2–25–97
Vol. 62 No. 37
Pages 8361–8612

federal register

Tuesday
February 25, 1997

Briefings on how to use the Federal Register
For information on briefings in Washington, DC, see announcement on the inside cover of this issue

Now Available Online

Code of Federal Regulations

via

GPO Access

(Selected Volumes)

Free, easy, online access to selected *Code of Federal Regulations (CFR)* volumes is now available via *GPO Access*, a service of the United States Government Printing Office (GPO). *CFR* titles will be added to *GPO Access* incrementally throughout calendar years 1996 and 1997 until a complete set is available. GPO is taking steps so that the online and printed versions of the *CFR* will be released concurrently.

The *CFR* and *Federal Register* on *GPO Access*, are the official online editions authorized by the Administrative Committee of the Federal Register.

New titles and/or volumes will be added to this online service as they become available.

http://www.access.gpo.gov/nara/cfr

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

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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 and 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 earlier filing is requested by the issuing agency.

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

The Federal Register is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online edition of the Federal Register on *GPO Access* is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su__docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest, (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov; by faxing to (202) 512–1262; or by calling toll free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for 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 or MasterCard. 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: 60 FR 12345.

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

For other telephone numbers, see the Reader Aids section at the end of this issue.

NOW AVAILABLE ONLINE

The January 1997 Office of the Federal Register Document Drafting Handbook

Free, easy, online access to the newly revised January 1997 Office of the Federal Register Document Drafting Handbook (DDH) is now available at:

http://www.nara.gov/nara/fedreg/ddh/ddhout.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

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: March 18, 1997 at 9:00 am

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register
Vol. 62, No. 37
Tuesday, February 25, 1997

Agency for Toxic Substances and Disease Registry
NOTICES
Meetings:
Public Health Service Activities and Research at DOE Sites Citizens Advisory Committee; correction, 8514

Agriculture Department
See Food and Consumer Service
See Forest Service
See Rural Utilities Service
RULES
Parity price determinations:
Wool and mohair and sugar crops; definition updates, 8361

Alcohol, Tobacco and Firearms Bureau
RULES
Antiterrorism and Effective Death Penalty Act of 1996; implementation:
Plastic explosives; marking for purpose of detection, 8374–8378
PROPOSED RULES
Antiterrorism and Effective Death Penalty Act of 1996; implementation:
Plastic explosives; marking for purpose of detection, 8412

Architectural and Transportation Barriers Compliance Board
NOTICES
Meetings:
Access Board, 8421–8422

Coast Guard
RULES
Ports and waterways safety:
Safety zones and security zones, etc.; list of temporary local rules, 8378–8380

Commerce Department
See Export Administration Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 8429–8430

Defense Department
RULES
Third party payers of reasonable costs of healthcare services; CFR part removed
Correction, 8378
NOTICES
Meetings:
Defense Intelligence Agency Scientific Advisory Board, 8430
National Defense Panel, 8430
Travel per diem rates, civilian personnel; changes, 8430–8436

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8437

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Maryland, 8380–8383
Ohio, 8383–8385
Oregon, 8385–8388
Air quality planning purposes; designation of areas:
Pennsylvania, 8389–8391
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Maryland, 8412–8413
Ohio, 8413
Oregon, 8413–8414
Air quality planning purposes; designation of areas:
Pennsylvania, 8414
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8445–8446
Toxic and hazardous substances control:
Interagency Testing Committee—
Report, 8578–8583
Water pollution control:
Clean Water Act—
Class II administrative penalty assessments, 8446–8447

Executive Office of the President
See Management and Budget Office
See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request; correction, 8514

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing; correction, 8367–8368
Class D airspace, 8368–8369
Class E airspace, 8369–8370
PROPOSED RULES
Airworthiness directives:
Airbus Industrie, 8408–8410
Class D and Class E airspace; withdrawn, 8410
Class E airspace, 8410–8411
Class E airspace; correction, 8514

Federal Communications Commission
RULES
Organization, functions, and authority delegations:
Cable Services Bureau, 8400–8402

PROPOSED RULES
Telecommunications Act of 1996; implementation:
Customer proprietary network information, etc.; telecommunications carriers' use, 8414–8417
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8447–8448
Applications, hearings, determinations, etc.:
QUALCOMM, Inc., 8448

Federal Election Commission
NOTICES
Special elections; filing dates:
Texas, 8449

Federal Emergency Management Agency
RULES
Flood insurance program:
Insurance coverage and rates—
Standard flood insurance policy; rebuilding or altering flood-damaged structures coverage, 8391–8400

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
National Gas & Electric L.P. et al., 8439–8442
New York State Electric & Gas Corp. et al., 8442–8445
Environmental statements; availability, etc.:
Granite State Gas Transmission, Inc., 8445
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Corp., 8437–8438
CNG Transmission Corp., 8438
Northwest Pipeline Corp., 8438
Tennessee Gas Pipeline Co., 8438–8439

Federal Maritime Commission
NOTICES
Agreements; additional information requests:
Hyundai Merchant Marine Co., Ltd., et al., 8449
Agreements filed, etc., 8449
Freight forwarder licenses:
Aero-Mar-Terra Forwarding et al., 8449–8450

Federal Railroad Administration
NOTICES
Meetings:
Maglev Study Advisory Committee, 8507–8508

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 8450
Formations, acquisitions, and mergers, 8450
Meetings; Sunshine Act, 8450

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Pallid manzanita, 8417–8418
NOTICES
Endangered and threatened species permit applications, 8455
Meetings:
North American Wetlands Conservation Council, 8455–8456

Food and Consumer Service
RULES
Food distribution programs:
Donation of foods for use in U.S. territories and possessions, and areas under jurisdiction—
Disaster and distress situations; food assistance, 8361–8367
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8419

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
New drug applications—
Bambermycins, 8373–8374
Lufenuron suspension and tablets, 8371
Melengestrol acetate, monensin, and tylosin, 8372–8373
Monensin feed blocks; correction, 8370
Progesterone and estradiol benzoate ear implant, 8371–8372
Sulfadimethoxine oral solution, 8370–8371
Salicylic acid, 8372
NOTICES
Human drugs:
Prescription products—
Oral contraceptives; postcoital emergency contraception use, 8610–8612

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Alabama
Coastal Mobile Refinery Co.; oil refinery complex, 8422
Missouri, 8422–8423

Forest Service
NOTICES
Environmental statements; availability, etc.:
Cache National Forest, ID, 8419–8421
Meetings:
Klamath Provincial Advisory Committee, 8421

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Care Financing Administration
See Health Resources and Services Administration
See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 8450–8451
Medicaid:
Demonstration project proposals, new and pending—
December (1996), 8451–8452

Health Resources and Services Administration
NOTICES
Meetings:
Migrant Health National Advisory Council, 8452

Housing and Urban Development Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8452–8453
Submission for OMB review; comment request, 8453–8455

Indian Affairs Bureau
NOTICES
Road maintenance funds to tribal bases distribution methodology, 8456
Tribal-State Compacts approval; Class III (casino) gambling:
Burns-Paiute Tribe, OR, 8456

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau

Internal Revenue Service
NOTICES
Federally funded research and development center; establishment, 8510–8511

International Trade Administration
NOTICES
Antidumping:
Circular welded carbon steel pipes and tubes from—
Thailand, 8423–8424
Cold-rolled and corrosion-resistant carbon steel flat products from—
Korea, 8424
Coumarin from—
China, 8424–8426
Melamine institutional dinnerware products from—
Indonesia et al., 8426–8427
Pacific Islands; individuals and companies prepared to provide guidance in doing business; list compilation, 8427–8428

International Trade Commission
NOTICES
Import investigations:
Needle bearing wire from—
Japan, 8458–8459

Labor Department
See Labor Statistics Bureau
See Occupational Safety and Health Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 8459
Meetings:
Trade Negotiations and Trade Policy Labor Advisory Committee, 8459

Labor Statistics Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8459–8460

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Fort Irwin National Training Center, CA; meeting, 8456
Realty actions; sales, leases, etc.:
Montana, 8456–8457
Resource management plans, etc.:
Henry Mountain Resource Area et al., UT, 8457–8458

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 8461

Management and Budget Office
NOTICES
Commercial activities performance (Circular A–76), 8463

National Institute of Standards and Technology
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Vident, 8428

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bearing Sea and Aleutian Islands groundfish, 8407
Pollock, 8406–8407
Scallop, 8406
Northeastern United States fisheries—
Northeast multispecies, 8404–8406
NOTICES
Committees; establishment, renewal, termination, etc.:
Mid-Atlantic Take Reduction Team; meeting, 8428–8429
National Academy of Sciences; Individual Fishing Quota study advisory panels, 8429

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 8461

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 8461–8462
Petitions; Director's decisions:
Vermont Yankee Nuclear Power Corp., 8462
Reports; availability, etc.:
Power reactors; operating licensing examination standards, 8462–8463

Occupational Safety and Health Administration
NOTICES
Meetings:
Construction Safety and Health Advisory Committee, 8460–8461

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Personnel Management Office
NOTICES
Personnel management demonstration projects:
Naval Sea Systems Command Warfare Centers; science and technology reinvention laboratories, 8586–8607
Senior Executive Service:
Career positions reserved during 1996; list, 8516–8576

Postal Service
NOTICES
Meetings; Sunshine Act, 8463–8464

Public Health Service
See Agency for Toxic Substances and Disease Registry

See Food and Drug Administration
See Health Resources and Services Administration
See Substance Abuse and Mental Health Services Administration

Research and Special Programs Administration
RULES
Pipeline safety:
Liquefied natural gas regulations; miscellaneous amendments, 8402–8404
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 8508–8510

Rural Utilities Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8421

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 8464–84728469–8472
Chicago Board Options Exchange, Inc., 8472–8475
Government Securities Clearing Corp., 8475–8477
National Association of Securities Dealers, Inc., 8477–8478
Philadelphia Depository Trust Co., 8478–8482
Philadelphia Stock Exchange, Inc., 8483–8485
Stock Clearing Corp. of Philadelphia, 8485–8487

Sentencing Commission, United States
See United States Sentencing Commission

Small Business Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8504–8505

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Community action program; application technical assistance workshop, 8452

Surface Transportation Board
NOTICES
Railroad services abandonment:
Union Pacific Railroad Co., 8510

Thrift Supervision Office
NOTICES
Applications, hearings, determinations, etc.:
Hemlock Federal Bank for Savings, 8511

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Trade Representative, Office of United States
NOTICES
Meetings:
Trade Policy and Negotiations Advisory Committee, 8505
World Trade Organization:
Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles, and Vanuatu; accession, 8505–8506
Vietnam; accession, 8506–8507

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See Research and Special Programs Administration
See Surface Transportation Board

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Internal Revenue Service
See Thrift Supervision Office

United States Sentencing Commission
NOTICES
Sentencing guidelines and policy statements for Federal courts, 8487–8504

Veterans Affairs Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 8511–8513

Separate Parts In This Issue

Part II
Personnel Management Office, 8516–8576

Part III
Environmental Protection Agency, 8578–8583

Part IV
Personnel Management Office, 8586–8607

Part V
Health and Human Services Department, Food and Drug Administration, 8610–8612

Reader Aids
Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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.

7 CFR
5 8361
250 8361

14 CFR
39 8367
71 (3 documents) 8368, 8369

Proposed Rules:
39 8408
71 (3 documents) 8410

21 CFR
520 (3 documents) 8370, 8371
522 8371
529 8372
558 (2 documents) 8372, 8373

27 CFR
47 8374
55 8374

Proposed Rules:
47 8412
55 8412

32 CFR
220 8378

33 CFR
100 8378
165 8378

40 CFR
52 (3 documents) 8412, 8413
81 8414

Proposed Rules:
52 (3 documents) 8380, 8383, 8385
81 8389

44 CFR
61 8391

47 CFR
0 8400

Proposed Rules:
Ch. I 8414

49 CFR
193 8402

50 CFR
648 8404
679 (3 documents) 8406, 8407

Proposed Rules:
17 8417

Rules and Regulations

Federal Register
Vol. 62, No. 37
Tuesday, February 25, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 5

RIN 0560–AF08

Update of the Parity Price Regulations

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the regulations regarding commodity definitions applicable to parity price determinations under the Agricultural Adjustment Act of 1938. The revisions update commodity definitions and incorporate recent reorganizational changes within USDA. This action is being taken as part of the National Performance Review.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Kathryn A. Broussard, Agricultural Economist, Food Grains Analysis Division, Farm Service Agency, U.S. Department of Agriculture, STOP 0518, P.O. Box 2415, Washington, DC 20013–2415 or telephone 202–720–9222.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined not to be significant under Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule because the Secretary of Agriculture is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

This action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, is: Agricultural Statistics Reports (Agricultural Estimates)—10.950.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule do not preempt State laws, are not retroactive, and do not require the exhaustion of any administrative appeal remedies.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR Subtitle A Part 5 set forth in this rule do not contain information collections that require clearance by OMB under the provisions of 44 U.S.C. 3507.

Background

This final rule updates the definition of ''Wool and Mohair'' and ''Sugar Crops'' commodities for which a marketing season average price is determined; and revises the regulations to incorporate recent reorganizational changes within USDA.

List of Subjects in 7 CFR Part 5

Calendar year price, Marketing season average price, Parity index, Parity price.

For reasons set out in the preamble, 7 CFR part 5 is amended as follows:

PART 5—DETERMINATION OF PARITY PRICES

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

Authority: 7 U.S.C. 1301, 1375.

2. In 7 CFR part 5 all references to ''Statistical Reporting Service'' are revised to read ''National Agricultural Statistics Service'', all references to ''Consumer and Marketing Service'' are revised to read ''Agricultural Marketing Service'', all references to ''Agricultural Stabilization and Conservation Service'' are revised to read ''Farm Service Agency'', and all references to ''Office of Hearing Examiners of the United States Department of Agriculture'' are revised to read ''Office of Administrative Law Judges.''

§ 5.2 [Amended]

3. In § 5.2, the entry under the heading ''Wool and Mohair'' is revised to read ''Wool and Mohair.'' and the entry under the heading ''Sugar Crops'' is revised to read ''Sugar beets and sugarcane for sugar.''

Signed at Washington, DC, on February 12, 1997.

Dan Glickman,

Secretary.

[FR Doc. 97–4599 Filed 2–24–97; 8:45 am]

BILLING CODE 3410–05–P

Food and Consumer Service

7 CFR Part 250

RIN 0584–AB55

Food Assistance in Disaster and Distress Situations

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the provisions of the Food Distribution Program Regulations and Policies that relate to food assistance provided in response to Presidentially declared disasters and in situations of distress. The amendments contained in this rule address the simultaneous issuance of commodities and disaster food stamp benefits in a disaster, distribution of commodities to households in situations of distress, authorization for providing commodity assistance, reporting requirements, and the replacement of

commodities. In addition, revised definitions are included which encompass the definitions contained in the Robert T. Stafford Disaster Relief and Emergency Assistance Act. These revisions will help ensure that commodity assistance is made available to victims of disasters and to those in situations of distress in the most efficient and effective manner possible while maintaining the integrity of the program.

EFFECTIVE DATE: This final rule is effective April 28, 1997.

FOR FURTHER INFORMATION CONTACT: Lillie Ragan, Assistant Branch Chief, Household Programs Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, Park Office Center, Room 502, 3101 Park Center Drive, Alexandria, Virginia 22302–1594, or telephone (703) 305–2661.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The Administrator of the Food and Consumer Service (FCS) has certified that this action will not have a significant economic impact on a substantial number of small entities. The primary impact of the procedures in this rulemaking will be on FCS regional offices, State governments and individuals who might apply for disaster or distress commodity benefits. To the extent that county or other local governments assist in the distribution of commodities at a disaster or distress feeding site, they will also be affected.

Executive Order 12372

These programs are listed in the Catalog of Federal Domestic Assistance under 10.550 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, Subpart V and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** section of the preamble. All available administrative procedures must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

Background

The Department of Agriculture (USDA or Department) makes commodities available for use in providing food assistance to victims of disasters and to those in situations of distress, in accordance with authority contained in several statutes. The regulations governing the Food Distribution Program (7 CFR Part 250) outline the responsibilities of FCS and distributing agencies with regard to the distribution of donated commodities during a disaster and in situations of distress.

On December 8, 1995, the Department published a proposed rule in the Federal Register at 60 FR 62999 which reflected amendments which have been made to the authorizing legislation, and also included regulatory changes recommended by the Task Force for Disaster Preparedness, established by the Department in response to issues which arose in the course of providing food assistance to victims of several disasters and other types of emergencies in the past several years. The Task Force was comprised of representatives from USDA, the Federal Emergency Management Agency (FEMA), private national organizations such as the Red Cross, and State and local agencies. One of the objectives of the Task Force was to identify current Federal disaster policies that are in need of revision. Regulatory amendments embodying Task Force recommendations were proposed under the discretionary authority granted to the Secretary and are part of the Department's effort to ensure that commodity assistance is made available to victims of disasters and situations of distress in the most efficient and effective manner possible while maintaining the integrity of the program. The proposed rule provided a 60-day comment period.

Analysis of Comments Received

The Department received a total of 6 comment letters. Comment letters were submitted by four State distributing agencies, one State food stamp agency, and one county social service agency. All but one of the commenters were substantially in favor of the rule. Comments received are discussed in detail below.

Definitions

The definition of ''Situation of Distress'' contained in Section 250.3 of the proposed rule would provide distributing agencies with authority to make commodities available for use in congregate feeding in instances when the disaster or emergency is natural, e.g., hurricane, tornado, storm, or flood. One commenter expressed concern that use of the word ''emergency'' in the definition will cause confusion since that term was not defined in the rule. The commenter also recommended that the definitions of ''Disaster'' and ''Situations of Distress'' encompass the recovery time period that follows such conditions.

One of the purposes for revising existing definitions under the proposed rule was to provide clarity. Since elimination of the term ''emergency'' will have no effect on the definition, the term has been deleted from the definition of ''Situation of Distress'' contained in Section 250.3 of this final rule. With regard to recognizing a period of time for recovery, the distribution of commodities under the provisions contained in the rule is, by definition, limited to disasters and situations of distress since the delivery of assistance through traditional food assistance programs is not adequate in such instances. Once the situation is such that the needs of victims can be met through traditional food assistance programs, the distribution of commodities is no longer warranted.

Simultaneous Distribution of Commodities and Disaster Food Stamp Benefits

Sections 250.43 and 250.44 of the proposed rule would permit the simultaneous distribution of commodities and issuance of disaster food stamp benefits during Presidentially declared disasters and in situations of distress in instances in which such distributions are warranted.

One commenter strongly opposed the simultaneous distribution of such benefits for reasons such as the additional costs that would be incurred by the State, the inability of State and local agencies to transport commodities due to damaged infrastructure, the lack of refrigeration units, and in instances in which commodities are made available for use in situations of distress, the absence of a guarantee that the Department will replace the commodities used. Other commenters did not expressly oppose the authority provided under the proposed rule to

permit the simultaneous distribution of commodity and disaster food stamp benefits. However, comments regarding issues such as cost and the ability of distributing agencies and disaster organizations to provide such services indicate a basic misunderstanding of the approval process as described in the proposed rule.

Because the Department has determined that there are instances in which States may need to distribute commodities and issue disaster food stamp benefits simultaneously to ensure that some form of food assistance is available to all victims of disasters and situations of distress, Sections 250.43 and 250.44 of this final rule retain provisions which *permit* the simultaneous distribution and issuance of these benefits. However, further review of the provisions contained in the proposed rule relative to the submission and approval of requests to conduct such distributions suggests that the proposed language could be interpreted to *require* that distributing agencies forward all requests received from organizations for the receipt and distribution of commodities to FCS for approval. In fact, the proposal was not intended to remove the State's discretion to determine whether distribution of commodities to households is warranted. The proposed rule was intended only to clarify the approval process in instances in which the State has decided that such distribution would be appropriate. When States have so decided, distributing agencies would be required to submit applications to the Food and Consumer Service regional office (FCSRO), and such applications would be forwarded to FCS headquarters for approval. Sections 250.43 and 250.44 of this final rule have been revised to make it clear that States retain full discretion in determining whether a request to permit commodity distributions to households will be submitted to the FCSRO. In making such a determination, States will have to ascertain whether the necessary facilities and financial resources are available to support such distributions. In addition, language in the proposed rule has also been revised to clarify that only those organizations wishing to obtain donated foods for use in providing food assistance to victims of disasters and situations of distress are expected to submit applications for the receipt of such food to the distributing agency.

Dual Participation

Section 250.43(c)(2)(viii) of the proposed rule would require disaster organizations to submit a statement of assurance that simultaneous food stamp and commodity assistance will not be provided to individual households; and, Section 250.43(c)(3)(iv)(D) would require that, before receiving commodities, each household sign a statement certifying that it is not receiving food stamp assistance. The proposed rule contained parallel requirements in Sections 250.44(c)(2)(vii) and 250.44(c)(3)(iv)(D) relative to the distribution of commodities during situations of distress.

Ambiguous references to food stamp benefits were the major focus of most of the comments received; 5 of the 6 commenters addressed the issue, and 4 of them recommended clarification. As pointed out by the commenters, the language as written in the proposed rule is unclear as to which aspect of the Food Stamp Program is being referenced, and could be easily interpreted to proscribe receipt of commodities by those who are regular and customary recipients of food stamps. This is obviously not the intent of the rule, for households which have been on the Food Stamp Program are likely to be just as hard-hit by a disaster as their non-food-stamp-receiving neighbors, perhaps having lost their entire food supply.

It is not the intent of the Department to prohibit the distribution of commodities to disaster victims who have been receiving assistance under the ''conventional'' Food Stamp Program. Therefore, Sections 250.43 and 250.44 are revised under this final rule to specifically prohibit only the distribution of commodities to households which have received *disaster* food stamp benefits since the issuance of both types of benefits would in fact be duplicative.

Three of the five respondents also made comments related to dual participation which were not attributable to the ambiguous language in the proposed rule. One commenter stated that it would be impossible to ensure that dual participation does not occur, and the other two expressed concern about the amount of time and cost associated with the collection and verification of information necessary to prevent the issuance of dual benefits. One commenter recommended waiving the prohibition against dual participation for a limited period of time, such as 30 days, while the other two recommended eliminating the prohibition entirely.

The nutritional needs of households during a disaster or situation of distress can be fully met through the provision of either commodities or disaster food stamp benefits. Therefore, since the elimination of the prohibition against dual participation would significantly increase Federal outlays, and could result in a windfall to households in excess of their nutritional needs, the provisions relative to the prohibition against dual participation are being retained in this final rule.

Responsibility for Establishing and Pursuing Claims

Two of the six commenters addressed this provision, one pointing out that the preamble of the proposed rule does not state with sufficient clarity who will be responsible for establishing and pursuing claims against households for dual participation. The language in question reads as follows: ''In instances when it is determined that claims action against a household is warranted due to the receipt of both food stamp and commodity assistance, the Department intends to pursue such action through establishment of a claim against the household for the value of the food stamps issued.'' (60 FR page 63002, middle column, first complete paragraph, first sentence).

Current regulations make State agencies responsible for establishing and pursuing such claims. The Department had intended no change from current regulations and practice. Therefore in instances when it is determined that claims action against a household is warranted due to the receipt of both disaster food stamp and commodity assistance, the State agency will be required to pursue such action through establishment of a claim against the household for the value of the food stamps issued.

Another commenter expressed concern about whether a State will have access to records showing that a household did in fact receive commodities and the amount of commodities provided. Section 250.16 requires that records be maintained by recipient agencies for a period of at least three years from the close of the fiscal year to which they pertain. However, in instances when claims action and/or audit findings have not been resolved, the records must be retained as long as required for the resolution of such action or findings. In addition, Sections 250.43(c)(3) and 250.44(c)(3) of the proposed rule would require that information obtained from households for the receipt of commodities be forwarded to the distributing agency and maintained by the distributing agency in accordance with the recordkeeping requirements as stated above. Distributing agencies may,

however, permit an organization that is an agency of the State government to retain such records. Based on these recordkeeping requirements, the State agency responsible for establishing and pursuing a claim should be able to access statements signed by all households which were provided commodities by contacting the distributing agency. With regard to information concerning the amount of commodities provided to a household not being recorded, this information is not necessary since households that received both commodities and disaster food stamp benefits will be expected to make restitution for the full value of disaster food stamp benefits issued without regard to the value of commodities provided.

Information Collection Burden

Sections 250.43(c) and 250.44(c) of the proposed rule would require several kinds of information collection at different levels. First, in requesting FCS approval for the distribution of commodities to households, the distributing agency would be required to submit the following information (plus additional information as outlined in the section) to the FCSRO: (1) An explanation as to why the distribution of commodities to households is warranted; (2) identification of the specific area(s) included in the request; (3) a statement of assurance that simultaneous food stamp and commodity assistance will not be provided to individual households; and (4) a description of the system that will be implemented to prevent dual participation. Second, minimal information would be required of each household applying for commodities in instances in which the Food Stamp Program is in operation, to include: (1) Name of one household member applying for assistance; (2) address; and (3) the number of persons in the household. In addition to providing the above information, organizations distributing donated foods to households would be required to obtain a signed statement of assurance from the household applying for benefits to the effect that the household: (1) Is in need of food assistance; (2) understands that misrepresentation of need and the sale or exchange of the donated food are prohibited and could result in a fine, imprisonment, or both; (3) is not residing in a shelter which provides food assistance; and (4) is not receiving disaster food stamp assistance.

Two of the six commenters addressed the information collection requirements contained in the proposed rule. One commenter stated that the burden on his State agency, its subunits and recipients would be minor, as similar information collection requirements already exist elsewhere, but at the same time, he expressed concern that, due to the burden, FCS may not be able to provide authorization to distribute commodities in a timely manner. The other commenter stated that the information collection requirements contained in the proposed rule would require a complex data collection and control system which would be very difficult to manage during a disaster. It was further recommended that the Federal Government fully finance food assistance programs in emergency situations.

It is the opinion of the Department that the information collection requirements as proposed provide the minimum requirements that are needed to maintain program accountability, i.e., to ensure that commodity distributions are truly necessary and that systems are in place to prevent dual participation. These requirements present a minimal burden, especially when balanced against the greater flexibility which the proposed rule affords to States. Additionally, FCS has proven its ability to respond quickly to disasters through its network of regional offices. Therefore, this final rule retains the information collection requirements as originally proposed.

With regard to the recommendation that the Department pay all costs incurred in providing food assistance to victims of disasters or situations of distress, while funds are authorized and appropriated for use in procuring commodities for such occurrences, the Department is not authorized to use such funds for the purpose of paying costs associated with the distribution of the commodities once they are delivered to the State.

With respect to disaster food stamps, Section 16 of the Food Stamp Act of 1977, as amended (7 U.S.C. 2011 *et seq.*), (the Act), only permits the Department to pay 50 percent of the administrative costs associated with issuing disaster food stamps, although the benefits are fully funded. Section 5(h) of the Act authorizes the Secretary, in response to a disaster, to establish temporary eligibility criteria and to adjust reporting and other application requirements as appropriate. Although it could have done so, Congress did not authorize the Secretary to depart from the provisions of the Act that allow the Department to pay 50 percent of State agencies' administrative costs. The Department, therefore, does not have the statutory authority to pay more than 50 percent of the administrative costs incurred to issue disaster food stamp benefits.

Types of Foods Authorized for Donation

Sections 250.43(e) and 250.44(e) of the proposed rule identified the various legislative authorities under which the Secretary is afforded discretionary authority to authorize the use of commodities during disasters and situations of distress. One commenter was confused as to what commodities can be used from each of the food distribution programs to provide food assistance during situations of distress.

Commodities being held in State and local inventories for any food distribution program can be used to provide food assistance in such situations. However, in making decisions as to what types and amounts of commodities to make available, distributing agencies should keep in mind that, while there is a USDA replacement guarantee for commodities used in disasters, there is no such guarantee for commodities used in situations of distress.

Summary Report

Sections 250.43(f) and 250.44(f) of the proposed rule would have required the distributing agency to provide a summary report (Form FCS–292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief) to the appropriate FCSRO within 30 days following termination of the disaster/distress assistance.

One commenter recommended that the 30-day requirement for the submission of such reports be extended to 45 days, based on past experience of 30 days being too short. The commenter cautioned against lengthening the time period beyond 45 days, because agencies and personnel disband following disasters and information thus becomes difficult to trace. FCS has decided to implement this suggestion, in deference to the experience of local agencies and in the interest of program flexibility. Therefore, this final rule extends the time limits in Sections 250.43(f) and 250.44(f) from 30 days to 45 days.

Replacement of Foods Made Available

When the distribution of commodities has been authorized for disasters or situations of distress, Sections 250.43(g) and 250.44(g) of the proposed rule would require that the distributing agency request replacement of foods used from State and/or local inventories, in writing to the FCSRO, within 30 days following termination of the assistance. In the case of disasters, the proposed rule provided for a waiver

of the 30-day requirement in instances when sufficient justification is provided, and guaranteed replacement of foods used from State and/or local inventories. In the case of situations of distress, no such waiver of the 30-day limit would be provided, and foods would be replaced only to the extent that they are available.

Two of the six commenters addressed the replacement provisions. One recommended that the replacement policy used for disasters be applied to situations of distress, and the other recommended that choice of foods made available in situations of distress be limited to those acquired through commodity loans and surplus-removal activities.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et. seq.*) specifically authorizes the Secretary to use funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase commodities for use in providing food assistance to victims of Presidentially declared disasters. There is no specified limit as to the amount of funds that can be used for this purpose. In contrast, funds authorized for use in purchasing commodities for situations of distress are provided annually as part of the Department's appropriation and cannot exceed the level specified in the appropriations legislation. Therefore, while commodities used from State or local warehouses to provide food assistance for situations of distress will be replaced to the degree possible, the Department cannot guarantee replacement. With regard to the choice of food to be made available in situations of distress, the purpose of the proposed rule was merely to provide States with discretionary authority to make commodities available for distribution to households in situations of distress once FCS approval for such distributions is obtained. States will identify the types and amounts of commodities they wish to make available depending upon their inventories, immediate needs for other purposes, and additional factors unique to the situation. It would not be appropriate for the Department to impose limitations on foods which the State can make available. Therefore, the provisions contained in Sections 250.43(g) and 250.44(g) are retained in this final rule as proposed, except however, that the language contained in these sections has been revised to clarify that requests for replacement must be submitted only in instances when the distributing agency is seeking replacement of foods used from State and/or local inventories.

List of Subjects in 7 CFR Part 250

Aged, Agricultural commodities, Business and industry, Food assistance programs, Food donations, Food processing, Grant programs-social programs, Indians, Infants and children, Commodity loan programs, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

Accordingly, 7 CFR Part 250 is amended as follows:

PART 250—DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

1. The authority citation for part 250 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 612c, 612c note, 1431, 1431b, 1431e, 1431 note, 1446a-1, 1859, 2014, 2025; 15 U.S.C. 713c; 22 U.S.C. 1922; 42 U.S.C. 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180.

2. In § 250.3:

a. The definitions of *Emergency* and *Major disaster* are removed; and

b. Definitions of *Disaster* and *Situation of distress* are added in alphabetical order.

The additions read as follows:

§ 250.3 Definitions.

* * * * *

Disaster means:

(a) Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) (Stafford Act) to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby; or

(b) Any other occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

* * * * *

Situation of distress means:

(a) A hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other natural catastrophe not declared by the President to be a disaster, but which, in the judgment of the distributing agency, warrants the use of USDA commodities for congregate feeding; and

(b) Any other situation not declared by the President to be a disaster, but which, in the judgment of FCS, warrants the use of USDA commodities for congregate feeding or household distribution.

* * * * *

3. Section 250.43 is revised to read as follows:

§ 250.43 Disaster food assistance.

(a) *Organizational eligibility.* In instances in which the President has declared a disaster and FCS has determined that, as a result of the disaster, low-income households are unable to purchase adequate amounts of nutritious food, disaster organizations (including agencies of State and Federal government) may be eligible to receive donated foods for congregate meal service or household distribution to disaster victims. Applications submitted by disaster organizations to the distributing agency for the receipt and distribution of donated foods in accordance with paragraphs (b)(2) and (c)(2) of this section shall be initially submitted in writing if circumstances permit and, if not, confirmed in writing in a timely manner. Both the applications and the written approval for the use of USDA commodities shall be maintained in accordance with the recordkeeping requirements of this part.

(b) *Congregate meal service*—(1) *Approval authority and duration.* Distributing agencies may review and approve applications submitted by disaster organizations for the donation of foods for use in preparing congregate meals for disaster victims. Distributing agencies also shall determine the length of such donations, taking into consideration the magnitude of the situation, and may extend the duration of such donations as developing circumstances dictate. Following approval of a request for donated foods, the distributing agency shall make appropriate donated foods available from any source within the State to the disaster organization(s) and within 24 hours of approving the application shall report the information listed in paragraph (b)(2) of this section to the appropriate FCSRO.

(2) *Applications.* (i) Disaster organizations wishing to receive donated foods for use in preparing meals for disaster victims shall submit applications to the distributing agency. Applications shall, to the extent possible, include the following information:

(A) Description of disaster situation;

(B) Number of people requiring meals;

(C) Period of time for which commodities are requested; and

(D) Quantity and types of food needed for congregate meal service.

(ii) In addition, organizations shall report to the distributing agency the number and location of sites providing congregate meal service as such sites are established.

(c) *Household distribution*—(1) *Approval authority and duration.* In instances in which the distributing agency has determined that the distribution of donated foods to households is appropriate, the distributing agency shall submit applications requesting approval for such distributions to the appropriate FCSRO for submission to FCS for prior approval. FCS will determine the length of time such donations will be made, taking into consideration the magnitude of the situation, and may extend the duration of such donations as developing circumstances dictate.

(2) *Applications.* (i) Disaster organizations wishing to receive and distribute donated foods to households shall submit applications to the distributing agency. Applications shall, to the extent possible, include the following information:

(A) Description of disaster situation;

(B) Identification of the specific area(s) included in the request;

(C) Number of households affected;

(D) Explanation as to why the distribution of commodities to households is warranted;

(E) Anticipated distribution period;

(F) Method(s) of distribution available;

(G) Quantity and types of food needed for distribution;

(H) Statement of assurance that simultaneous disaster food stamp benefits and commodity assistance will not be provided to individual households; and

(I) Description of the system that will be implemented to prevent dual participation.

(ii) In addition, information on the number and location of sites where commodities are to be distributed shall be provided to the distributing agency as such sites are established.

(3) *Collection of household information.* In instances in which the issuance of disaster food stamp benefits has been approved, any entity (i.e., Federal, State, or local) distributing donated foods to households shall, at a minimum, collect the information listed below in a format prescribed by the distributing agency. Such information shall be forwarded to the distributing agency and maintained by the distributing agency in accordance with the recordkeeping requirements contained in this part, except that such information may, at the discretion of the distributing agency, be maintained by the organization distributing commodities if such organization is an agency of the State government.

(i) Name of household member applying for assistance;

(ii) Address;

(iii) Number of household members; and

(iv) Statement signed by the household certifying that the household:

(A) Is in need of food assistance;

(B) Understands that misrepresentation of need, and the sale or exchange of the donated food, are prohibited and could result in a fine, imprisonment, or both;

(C) Is not residing in a shelter which provides food assistance; and

(D) Is not receiving disaster food stamp benefits.

(d) *Quantities and value of donated foods.* The distributing agency shall make donated foods available to approved disaster organizations based on the caseload factor information provided by the disaster organizations.

(e) *Types of donated foods authorized for donation.* Disaster organizations providing food assistance under this Section are eligible to receive donated foods under section 416, section 32, section 709, section 4(a), and sections 412 and 413 of the Stafford Act.

(f) *Summary report.* Within 45 days following termination of the disaster assistance, the distributing agency shall provide a summary report to the appropriate FCSRO using Form FCS–292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief.

(g) *Replacement.* Distributing agencies which decide to seek replacement of foods used from State and/or local inventories for disaster assistance shall file their request in writing to the FCSRO within 30 days following termination of the assistance. FCS will replace such foods in instances when a request for replacement is submitted within the required 30 days or sufficient justification exists to waive the 30-day requirement.

4. Section 250.44 is revised to read as follows:

§ 250.44 Food assistance in situations of distress.

(a) *Organizational eligibility.* In situations of distress in which needs for food assistance cannot be met under other provisions of this Part, organizations (including agencies of State and Federal government) may be eligible to receive donated foods for congregate meal service or household distribution to victims of the situation of distress. Applications submitted to the distributing agency for the receipt and distribution of donated foods in accordance with paragraphs (b)(2) and (c)(2) of this section shall be initially submitted in writing if circumstances permit and, if not, confirmed in writing in a timely manner. Both the applications and the written approval for the use of USDA commodities shall be maintained in accordance with the recordkeeping requirements of this Part.

(b) *Congregate meal service.* (1) *Approval authority and duration.* Distributing agencies may review and approve applications for the donation of foods for use in preparing congregate meals for a period not to exceed 30 days for victims of situations of distress in instances in which the need for such assistance meets the conditions of paragraph (a) of the definition of *situation of distress* in § 250.3. Following approval of a request, distributing agencies shall report the information listed in paragraph (b)(2) of this section to the appropriate FCSRO within 24 hours. In instances when the distributing agency extends the originally approved distribution period from less than 30 days to the 30-day limit, it shall notify the FCSRO of such extensions. Distributing agencies shall request approval from FCS, via the appropriate FCSRO, for donations to exceed 30 days. Upon determining that there is a need for the donation of foods for congregate meals in instances other than those that meet the criteria in paragraph (a) of the definition of *situation of distress* in § 250.3, the distributing agency shall forward applications to the appropriate FCSRO for submission to FCS for prior approval. FCS will determine the duration of such donations, taking into consideration the magnitude of the situation. Determinations as to the length of donations may be revised as developing circumstances dictate.

(2) *Applications.* (i) Organizations wishing to receive donated foods for use in preparing meals shall submit applications to the distributing agency. Applications shall, to the extent possible, include the following information:

(A) Description of the situation of distress;

(B) Number of people requiring meals and congregate meal service period; and

(C) Quantity and types of food needed.

(ii) In addition, information on the number and location of sites providing meals shall be submitted to the distributing agency as such sites are established.

(c) *Household distribution.*—(1) *Approval authority and duration.* In instances in which the distributing agency has determined that the distribution of donated foods to households is appropriate, the distributing agency shall submit applications requesting approval for such distributions to the appropriate FCSRO for submission to FCS for approval. FCS will determine the duration of the donations, taking into consideration the magnitude of the situation. Such determinations may be revised as developing circumstances dictate.

(2) *Applications.* (i) Organizations wishing to receive and distribute donated foods to households shall submit applications to the distributing agency. Applications shall, to the extent possible, include the following information:

(A) Description of the situation of distress;

(B) Explanation as to why the distribution of commodities to households is warranted;

(C) Identification of the specific area(s) included in the request;

(D) Anticipated distribution period;

(E) Number of households expected to participate;

(F) Quantity and types of food needed for distribution;

(G) Statement of assurance that simultaneous disaster food stamp benefits and commodity assistance will not be provided to individual households; and

(H) Description of the system that will be implemented to prevent dual participation.

(ii) In addition, information on the number and location of sites shall be provided to the distributing agency as such sites are established.

(3) *Collection of household information.* In a format prescribed by the distributing agency, any entity (i.e., Federal, State, or local) distributing donated foods to households in an area where the issuance of disaster food stamp benefits has been approved shall, at a minimum, collect the information listed below. Such information shall be forwarded to the distributing agency and maintained by the distributing agency in accordance with the recordkeeping requirements contained in this part, except that such information may, at the discretion of the distributing agency, be maintained by the organization distributing commodities if such organization is an agency of the State government.

(i) Name of household member applying for assistance;

(ii) Address;

(iii) Number of household members; and

(iv) Statement signed by the household certifying that the household:

(A) Is in need of food assistance;

(B) Understands that misrepresentation of need, and the sale or exchange of the donated food are prohibited and could result in a fine, imprisonment, or both;

(C) Is not residing in a shelter which provides food assistance; and

(D) Is not receiving disaster food stamp benefits.

(d) *Quantities and value of donated foods.* The distributing agency shall make donated foods available to eligible organizations based on the caseload factor information provided by the organizations.

(e) *Types of donated foods authorized for donation.* Organizations providing food assistance in situations of distress are eligible to receive donated foods under section 416, section 32, section 709, and section 4(a).

(f) *Summary report.* Within 45 days following termination of the assistance, the distributing agency shall provide a summary report to the appropriate FCSRO using Form FCS–292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief.

(g) *Replacement.* Distributing agencies which decide to seek replacement of foods used from State and/or local inventories for situations of distress shall file their request in writing to the FCSRO within 30 days following termination of the assistance. FCS will replace such foods to the extent that foods are available.

Dated: February 14, 1997.

William E. Ludwig,

Administrator.

[FR Doc. 97–4536 Filed 2–24–97; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–223–AD; Amendment 39–9894; AD 97–02–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, that currently requires inspections to detect cracking of the actuator rib fitting of the inboard door of the main landing gear (MLG); and various follow-on actions. This action corrects a reference to the amendment number of a previously-issued AD, which was superseded by AD 97–02–09.

DATES: Effective March 4, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 7, 1997 (62 FR 3988, January 28, 1997).

SUPPLEMENTARY INFORMATION: On January 14, 1997, the FAA issued AD 97–02–09, amendment 39–9894 (62 FR 3988, January 28, 1997), which is applicable to all Boeing Model 727 series airplanes. That AD requires inspections to detect cracking of the actuator rib fitting of the inboard door of the main landing gear (MLG); and various follow-on actions. It was prompted by a report of a fractured rib fitting that had been reworked in accordance with one of two existing AD's. The actions specified by that AD are intended to prevent damage to the airplane caused by a failure of the landing gear to extend due to a fractured rib fitting.

AD No.	Amendment No.	Federal Register citation
AD 90–02–19	39–6433	(55 FR 601, January 8, 1990)
AD 93–01–14	39–8468	(58 FR 5574, January 22, 1993)

Actions Since Issuance of the AD

Since the issuance of AD 97–02–09, the FAA has become aware of the fact that certain references made to the amendment number of AD 93–01–14, which appeared throughout the preamble of AD 96–02–09, its amendatory language, and the rule itself, were incorrect. The referenced amendment number that appeared in the published version of the AD was ''amendment 39–8368;'' however, the correct amendment number correlating to AD 93–01–14 is ''amendment 39–8468.''

Corrections Necessary to the Current AD

The FAA has determined that it is appropriate to take action to correct AD 97–02–09 by revising all references to the amendment number of AD 93–01–14 to specify ''amendment 39–8468.'' Since AD 97–02–09 supersedes AD 93–01–14, this correction is necessary in order to ensure that the proper amendment number is removed from the regulations as a result of this supersedure.

Action is taken herein to correct the error and to correctly add the AD as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13). The effective date of the rule remains March 4, 1997.

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

§ 39.13 [Corrected]

In the issue of January 28, 1997, beginning in the third column of page 3989 and continuing to the first column of page 3990, the amendatory language, as well as the introductory text of the rule that specifies pertinent agency numbers and the airplane manufacturer, are corrected to read as follows:

* * * * *

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6433 (55 FR 601, January 8, 1990); and by removing amendment 39–8468 (58 FR 5574, January 22, 1993); and by adding a new airworthiness directive (AD), amendment 39–9894, to read as follows:

97–02–09 Boeing: Amendment 39–9894, Docket 95–NM–223–AD. Supersedes AD 90–02–19, amendment 39–6433; and supersedes AD 93–01–14, amendment 39–8468.

* * * * *

Issued in Renton, Washington, on February 19, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–4554 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–U

---

14 CFR Part 71

[Airspace Docket No. 95–AWP–26]

Establishment of Class D Airspace; Victorville, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class D airspace area at Victorville, CA. The extension of Southern California International Airport Air Traffic Control Tower operating hours has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Southern California International Airport, Victorville, CA.

EFFECTIVE DATE: 0901 UTC May 22, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

On November 20, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class D airspace area at Victorville, CA (61 FR 59040). This action will provide adequate controlled airspace to accommodate IFR operations at Southern California International Airport, Victorville, CA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class D airspace area at Victorville, CA. The extension of Southern California Air Traffic Control Tower operating hours has made this action necessary. The effect of this action will provide adequate controlled airspace for IFR operations at Southern California International Airport, Victorville, CA.

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 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 10034; 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR 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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D Victorville, CA [New]

Victorville, Southern California International Airport, CA
(Lat. 34°35′67″ N, long. 117°22′93″ W)

That airspace extending upward from the surface to 5,400 feet MSL within a 6-mile radius of the Victorville, Southern California

International Airport, CA. This Class D airspace area is effective during the specific dates and times established in advance be a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Los Angeles, California, on February 5, 1997.

Leonard A. Mobley,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–4576 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 96–AWP–27]

Amendment of Class E Airspace; San Jose, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace area at San Jose, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 14/32 at South County of Santa Clara County has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at South County of Santa Clara County, San Martin, CA.

EFFECTIVE DATE: 0901 UTC March 27, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

On December 16, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Class E airspace area at San Jose, CA (61 FR 65992). This action will provide adequate controlled airspace to accommodate a GPS SIAP to RWY 14/32 at South County Airport of Santa Clara County, San Martin, CA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at San Jose, CA. The development of a GPS SIAP to RWY 14/32 has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 14/32 SIAP at South County Airport of Santa Clara County, San Martin, CA.

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 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 10034; 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR 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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace area extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 San Jose, CA [Revised]

San Jose International Airport, CA
(Lat. 37°21′42″ N, long. 121°55′43″ W)
NAS Moffett Field TACAN
(Lat. 37°25′57″ N, long. 122°03′26″ W)
San Jose NDB (Jorge)
(Lat. 37°20′56″ N, long. 121°54′54″ W)
South County Airport of Santa Clara County, CA
(Lat. 37°04′55″ N, long. 121°35′49″ W)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the San Jose International Airport and within 4.3 miles each side of the NAS Moffett Field TACAN 157° radial extending from the NAS Moffett Field TACAN to 20 miles southeast of the TACAN and within 4 miles each side of the 139° bearing from the San Jose NDB, extending from the 5-mile radius of the San Jose International Airport to 24.3 miles southeast of the NDB and within a 6.9-mile radius of the South County Airport of Santa Clara County and that airspace bounded by a line beginning at lat. 37°30′00″ N, long. 121°52′04″ W; to lat. 37°22′00″N, long. 121°08′04″ W; to lat. 37°22′00″ N, long. 121°24′04″ W; to lat. 37°30′00″ N, long. 122°27′04″ W, thence to the point of beginning. That airspace extending upward from 1,200 feet above the surface bounded of the north by lat. 37°30′00″ N, on the east and northeast by long. 121°50′04″ W; and the southwest edge of V–107, on the southeast and south by the northwest edge of V–111, and lat. 37°00′00″ N, and on the west by the east edge of V–27 to lat. 37°30′00″ N.

* * * * *

Issued in Los Angeles, California on February 3, 1997.

George D. Williams,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–4578 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 96–AWP–30]

Revision of Class E Airspace; Victorville, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace area at Victorville, CA. The closure of George Air Force Base has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Southern California International Airport, Victorville, CA.

EFFECTIVE DATE: 0901 UTC May 22, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific

Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

On November 20, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by revising the Class E airspace area at Victorville, CA (61 FR 59042). This action will provide adequate controlled airspace to accommodate IFR operations at Southern California International Airport, Victorville, CA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Victorville, CA. The closure of George Air Force Base has made this action necessary. The effect of this action will provide adequate controlled airspace for IFR operations at Southern California International Airport, Victorville, CA.

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 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 10034; 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR 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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E Airspace

* * * * *

AWP CA E5 Victorville, CA [Revised]

Victorville, Southern California International Airport, CA
(Lat. 34°35′67″ N, long. 117°22′93″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Victorville, Southern California International Airport, CA.

* * * * *

Issued in Los Angeles, California on February 5, 1997.

Leonard A. Mobley,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–4577 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Monensin Blocks; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of October 15, 1996 (61 FR 53614). The document amended the animal drug regulations to reflect approval of supplemental new animal drug applications filed by Cooperative Research Farms and PM Ag Products, Inc. The document was published with an incorrect approval date. This document corrects that error.

EFFECTIVE DATE: October 15, 1996.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV–238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1737.

In FR Doc. 96–26374, appearing on page 53614, in the Federal Register of Tuesday, October 15, 1996, the following correction is made:

1. On page 53615, in the first column under the ''SUPPLEMENTARY INFORMATION'' caption, in line 14, ''September 10, 1996'' is corrected to read ''October 15, 1996''.

Dated: February 10, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 97–4518 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Sulfadimethoxine Oral Solution

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Fermenta Animal Health. The ANADA provides for use of sulfadimethoxine oral solution to prepare medicated drinking water for animals to treat bacterial infections sensitive to sulfadimethoxine.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center For Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Fermenta Animal Health Co., 10150 North Executive Hills Blvd., Kansas City, MO 64153, filed ANADA 200–165, which provides for use of sulfadimethoxine 12.5 percent oral solution to prepare medicated drinking water for broiler and replacement chickens, meat-producing turkeys, and dairy calves, dairy heifers, and beef cattle for the treatment of bacterial diseases susceptible to sulfadimethoxine.

Fermenta Animal Health's ANADA 200–165 for sulfadimethoxine oral solution 12.5 percent is approved as a generic copy of Hoffmann-LaRoche's Albon/Agribon (sulfadimethoxine) 12.5 percent solution in NADA 31–205. The ANADA is approved as of December 4,

1996, and the regulations are amended by revising 21 CFR 520.2220a(b) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually of cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.2220a [Amended]

2. Section 520.2220a *Sulfadimethoxine oral solution and soluble powder* is amended in paragraph (b) by removing ''000069 and 057561'' and adding in its place ''000069, 054273, and 057561''.

Dated: February 3, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97–4515 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

---

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Lufenuron Suspension and Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by Ciba-Geigy Animal Health, Ciba-Geigy Corp. The supplements provide that veterinary prescriptions are no longer required for use of lufenuron tablets for dogs and oral suspension for cats.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish P1., Rockville, MD 20855, 301–594–0614.

SUPPLEMENTARY INFORMATION: Ciba-Geigy Animal Health, Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419–8300, filed supplemental NADA 141–026 that provides for oral administration of Program® (lufenuron) suspension for cats and kittens for control of flea populations and supplemental NADA 141–035 that provides for oral administration of Program® (lufenuron) tablets for dogs and puppies for prevention and control of flea populations. The supplemental NADA's provide that veterinary prescriptions are no longer required. The supplemental NADA's are approved as of December 31, 1996, and the regulations are amended by revising 21 CFR 520.1288(c)(3) and 520.1289(c)(3) to remove the limitation for veterinary prescription use.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.1288 [Amended]

2. Section 520.1288 *Lufenuron tablets* is amended in paragraph (c)(3) by removing the last sentence.

§ 520.1289 [Amended]

3. Section 520.1289 *Lufenuron suspension* is amended in paragraph (c)(3) by removing the last sentence.

Dated: February 3, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97–4513 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

---

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Progesterone and Estradiol Benzoate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Ivy Laboratories, Inc. The supplemental NADA provides for use of a progesterone-estradiol benzoate ear implant in suckling beef heifer calves for increased rate of weight gain.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0217.

SUPPLEMENTARY INFORMATION: Ivy Laboratories, Inc., 8857 Bond St., Overland Park, KS 66214, filed a supplement to NADA 110–315, which provides for use of a progesterone-estradiol benzoate ear implant in suckling beef heifer calves for increased rate of weight gain. Studies have shown no detrimental effects on reproduction after use of the implants in heifer calves. The supplement is approved as of January 22, 1997, and the regulations are amended in 21 CFR 522.1940(d)(1)(iii) to reflect the approval by limiting the use to indicate

that the implant is not for use in bull calves intended for reproduction. The basis for approval is discussed in the freedom of information summary.

In addition, due to enactment of the Generic Animal Drug and Patent Term Restoration Act of 1988, the paragraph concerning National Academy of Science/National Research Council status is outdated. At this time, 21 CFR 522.1940 is amended by removing paragraph (d)(2)(iv).

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning January 22, 1997, because the application contains substantial evidence of the effectiveness of the drug involved, studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 522.1940 [Amended]

2. Section 522.1940 *Progesterone and estradiol benzoate in combination* is amended in paragraph (d)(1)(iii) by removing the phrases ''For 000033:'' and ''For 021641: Do not use in calves intended for reproduction.'' and by removing paragraph (d)(2)(iv).

Dated: February 10, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 97–4517 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 529

Certain Other Dosage Form New Animal Drugs; Salicylic Acid; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations concerning the use of salicylic acid to correct a certain typographical error. This action is being taken to clarify and improve the accuracy of the regulations.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1737.

SUPPLEMENTARY INFORMATION: FDA has found an error concerning the amount of salicylic acid per dose. In 21 CFR 529.2090(a)(1) that error has been incorporated into the agency's animal drug regulations. FDA is correcting this error. The approved concentration is 0.55 grain of salicylic acid per dose, not 0.55 gram of salicylic acid.

List of Subjects in 21 CFR Part 529

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 529 is amended as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 529 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 529.2090 [Amended]

2. Section 529.2090 *Salicylic acid* is amended in paragraph (a)(1) by removing the word ''gram'' and by adding in its place the word ''grain''.

Dated: January 31, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 97–4516 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Melengestrol Acetate, Monensin, and Tylosin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pharmacia & Upjohn Co. The supplement provides for the use of separately approved Type A medicated articles containing melengestrol acetate (dry form only), monensin, and tylosin to manufacture certain combination drug, dry, meal Type B medicated feeds for use in making Type C medicated feeds. The feeds are for heifers fed in confinement for slaughter for increased rate of weight gain, improved feed efficiency, suppression of estrus, and reduced incidence of liver abscesses.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center For Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1638.

SUPPLEMENTARY INFORMATION: Pharmacia & Upjohn, 7000 Portage Rd., Kalamazoo, MI 49001–0199, filed supplemental NADA 138–792, which provides for combining separately approved melengestrol acetate (MGA) (dry form only), monensin sodium, and tylosin phosphate Type A medicated articles to manufacture dry, meal Type B medicated feeds used to make Type C medicated feeds for heifers fed in confinement for slaughter for increased rate of weight gain, improved feed efficiency, suppression of estrus (heat), and reduced incidence of liver abscesses. The supplement is approved as of December 17, 1996, and 21 CFR 558.342 is amended in paragraph (c)(5)(iii)(C) to reflect the approval.

Approval of this supplement which provides for use of a different physical

form of Type B feed did not require reevaluation of the safety or effectiveness data supporting the NADA or the submission of any new data. Therefore, a freedom of information summary is not required.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval does not qualify for marketing exclusivity because the supplement does not contain substantial evidence of the effectiveness of the drug involved, any studies of animal safety, or in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies), required for approval of the supplement and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.24(d)(1)(ii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center For Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.342 [Amended]

2. Section 558.342 *Melengestrol acetate* is amended in paragraph (c)(5)(ii)(C) by removing the word ''pelleted''.

Dated: January 31, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 97–4514 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

---

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoechst-Roussel Agri-Vet Co. The supplement provides for using liquid bambermycins Type B medicated feeds to make Type C medicated feeds for cattle fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Russell G. Arnold, Center for Veterinary Medicine (HFV–142), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1674.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Agri-Vet Co., Route 202–206, P.O. Box 2500, Somerville, NJ 08876–1258, filed supplemental NADA 141–034 that provides for using 10-gram per pound (g/lb) Flavomycin® (bambermycins) Type A medicated articles to make 40 to 800 g/ton liquid Type B medicated feeds, the liquid Type B feeds used to make dry Type C medicated feeds. The Type C feeds containing 1 to 4 g/ton bambermycins are for cattle fed in confinement for slaughter to provide 10 to 20 milligrams bambermycins per head per day for increased rate of weight gain and improved feed efficiency. The regulations are amended in § 558.95 (21 CFR 558.95) by adding new paragraph (a)(5), by redesignating paragraph (b) as paragraph (d), and by revising newly redesignated paragraph (d)(4)(i)(*b*) to reflect the approval.

Furthermore, use of liquid Type B feeds to make Type C feeds requires publication of specifications and expiration information. New § 558.95(b) is established to reflect the Type B feed specifications and expiration information. In the interest of issuing uniform regulations in the future, new § 558.95(c) is also established at this time and reserved for future use.

Approval of this supplement did not require submission of additional safety or efficacy data. A freedom of information (FOI) summary as in 21 CFR part 20 and 514.11(e)(2)(ii) is not required. An FOI summary submitted to support approval of the original application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food producing animals does not qualify for marketing exclusivity because the supplement does not contain substantial evidence of effectiveness of the drug involved, any studies of animal safety or human food safety studies (other than bioequivalence or residue studies) required for approval of the supplement and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.95 is amended by adding new paragraph (a)(5), by redesignating paragraph (b) as paragraph (d), by adding new paragraph (b), by adding and reserving paragraph (c), and by adding a new fourth sentence to newly redesignated paragraph (d)(4)(i)(*b*), to read as follows:

§ 558.95 Bambermycins.

(a) * * *

(5) 10 grams of activity per pound to 012799 in § 510.600(c) of this chapter to make 40 to 800 gram/ton Type B feeds for use as in paragraph (d)(4)(i) of this section.

(b) *Special considerations.* (1) Bambermycins liquid Type B feeds may be manufactured from dry bambermycins Type A articles. The liquid Type B feeds must have a pH of 3.8 to 7.5, moisture content of 30 to 45 percent.

(2) The expiration date for the liquid Type B feed is 8 weeks after date of manufacture. The expiration date for the dry Type C feed made from the liquid Type B feed is 1 week after date of manufacture.

(c) [Reserved]

(d) * * *

(4) * * *

(i) * * *

(*b*) * * * Liquid Type B feeds containing bambermycins may be used in the preparation of dry complete ration Type C feeds.

* * * * *

Dated: February 10, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 97–4512 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 47 and 55

[T.D. ATF–387]

RIN 1512–AB63

Implementation of Public Law 104–132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to the Marking of Plastic Explosives for the Purpose of Detection (96R–029P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Temporary rule (Treasury decision) and request for comments.

SUMMARY: This temporary rule implements certain provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104–132). These regulations implement the law by requiring detection agents for plastic explosives. The temporary rule also authorizes the use of four specific detection agents to mark plastic explosives and provides for the designation of other detection agents. The temporary rule will remain in effect until superseded by final regulations.

In the Proposed Rules section of this Federal Register, ATF is also issuing a notice of proposed rulemaking inviting comments on the temporary rule for a 90-day period following the publication date of this temporary rule.

DATES: The temporary regulations are effective April 24, 1997. Comments due by May 27, 1997.

ADDRESSES: Send written comments to: Chief, Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; Washington, DC 20091–0221.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

Public Law 104–132, 110 Stat. 1214, the Antiterrorism and Effective Death Penalty Act of 1996 (hereafter, ''the Act'') was enacted on April 24, 1996. Title VI of the Act, ''Implementation of Plastic Explosives Convention,'' added new requirements to the Federal explosives laws in 18 U.S.C. Chapter 40. Section 607 of the Act states that, except as otherwise provided, the amendments made by Title VI shall take effect 1 year after the date of enactment, i.e., on April 24, 1997. The stated purpose of Title VI is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991 (hereafter, ''the Convention'').

The Convention represents an important achievement in international cooperation in response to the threat posed to the safety and security of international civil aviation by virtually undetectable plastic explosives in the hands of terrorists. Such explosives were used in the tragic destruction of Pan Am flight 103 over Lockerbie, Scotland, in December 1988, and UTA flight 772 in September 1989.

In the aftermath of these bombings, the international community moved to draft a multilateral treaty to ensure that plastic explosives would thereafter contain a chemical marking agent to render them detectable.

The new statutory provisions and the regulation changes necessitated by the law are as follows:

(1) *Definitions.* Section 602 of the Act added three definitions to section 841 of title 18, U.S.C. The term ''Convention on the Marking of Plastic Explosives'' is defined in the law to mean the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

The term ''detection agent'' is defined as any one of the following substances when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive:

(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(2) 2,3–Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_77NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

(5) any other substance added by the Secretary of the Treasury by regulation, after consultation with the Secretary of State and the Secretary of Defense. Permitting the Secretary to designate detection agents other than the four listed in the statute would facilitate the use of other substances without the need for legislation. However, as specified in the law, only those substances which have been added to the table in Part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives may be designated as approved detection agents. ATF would have no authority to issue a regulation adding to the list of approved detection agents until the Technical Annex has been so modified.

The last term added to section 841 of title 18, U.S.C., ''plastic explosive,'' is defined as an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25 °C, is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature. Pursuant to Part I of the Technical Annex to the Convention, high explosives include, but are not restricted to, cyclotetramethylenetetranitramine (HMX), pentaerythritol tetranitrate (PETN), and cyclotrimethylenetrinitramine (RDX).

The above changes to the regulations are prescribed in § 55.180.

(2) *Requirement of Detection Agents for Plastic Explosives.* The Act amended the Federal explosives laws in 18 U.S.C. Chapter 40 by adding new subsections (l)–(o) to section 842. Section 842(l) makes it unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

Section 842(m) makes it unlawful for any person to import or bring into the U.S. or export from the U.S. any plastic explosive that does not contain a detection agent. The provisions of this section do not apply to the importation or bringing into the U.S. or the exportation from the U.S. of any plastic explosive that was imported or brought into or manufactured in the U.S. prior to the date of enactment of the Act by or on behalf of any agency of the U.S. performing military or police functions (including any military reserve component) or by or on behalf of the

National Guard of any State, not later than 15 years after the Convention enters into force with respect to the U.S. Pursuant to Article XIII of the Convention, the Convention will enter into force on the sixtieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Depositary, i.e., the International Civil Aviation Organization, provided that no fewer than five such States (nations) have declared that they are producer States. (A ''producer State'' means any State in whose territory explosives are manufactured.) Should thirty-five such instruments be deposited prior to the deposit of their instruments by five producer States, the Convention will enter into force on the sixtieth day following the date of deposit of the instrument of ratification, acceptance, approval or accession of the fifth producer State. For other States, the Convention will enter into force sixty days following the date of deposit of their instruments of ratification, acceptance, approval or accession.

Section 842(n) provides that it is unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent. Exceptions to the prohibitions are provided for any plastic explosive that was imported or brought into, or manufactured in the U.S. prior to the date of enactment of the Act by any person during the period beginning on that date, i.e., April 24, 1996, and ending 3 years after that date, i.e., April 24, 1999. Exceptions to the prohibitions are also provided for any plastic explosive that was imported or brought into, or manufactured in the U.S. prior to the date of enactment of the Act by or on behalf of any agency of the U.S. performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the marking of Plastic Explosives with respect to the U.S.

The above changes to the regulations are prescribed in § 55.180.

Section 842(o) provides that any person, other than an agency of the U.S. (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment, shall report to the Secretary within 120 days after the date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation. Regulations implementing this provision of the Act were prescribed in T.D. ATF–382, published in the Federal Register on July 23, 1996 (61 FR 38084). However, a technical amendment is being made to § 55.181 to include the control number assigned by the Office of Management and Budget (OMB).

(3) *Criminal Sanctions.* The Act amended section 844(a) of title 18, U.S.C., by providing that any person who violates any of the provisions of section 842(l)–(o) shall be fined under title 18, imprisoned for not more than 10 years, or both. Changes to the regulations in § 55.185 have been made to implement this provision of the law.

(4) *Exceptions.* The Act amended 18 U.S.C. § 845(a) to provide that the exemptions from the requirements of 18 U.S.C. Chapter 40 that apply to governmental entities and other specified uses of explosives do not apply to section 842(l)–(o). Changes to the regulations in § 55.141(a) have been made to implement this provision of the law.

The Act also made a technical amendment to 18 U.S.C. § 845(a)(1) to clarify the current exemption from the requirements of 18 U.S.C. Chapter 40 for aspects of the transportation of explosives regulated by the U.S. Department of Transportation. The amendment makes it clear that the exemption applies only to those aspects of the transportation related to safety. Changes to the regulations in § 55.141(a)(1) have been made to implement this change in the law.

The Act also amended section 845 of title 18, U.S.C., by adding a new subsection (c). This amendment provides that it is an affirmative defense against any proceeding involving section 842(l)–(o) of title 18, U.S.C., if the proponent proves by a preponderance of the evidence that the plastic explosive—

(1) Consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

(a) research, development, or testing of new or modified explosive materials;

(b) training in explosives detection or development or testing of explosives detection equipment; or

(c) forensic science purposes; or

(2) was plastic explosive that, within 3 years after the date of enactment of the Act, will be or is incorporated in a military device within the territory of the U.S. and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the U.S. performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located.

As defined in the Act, the term ''military device'' includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.

The affirmative defenses provided in the law could be asserted in a criminal case, a judicial forfeiture case, or an administrative license or permit denial or revocation.

Changes to the regulations in § 55.182 have been made to implement the provisions of section 845(c) of title 18, U.S.C.

(5) *Seizure and Forfeiture of Plastic Explosives.* The Act amended section 596(c)(1) of the Tariff Act of 1930, 19 U.S.C. 1595a(c)(1), to provide for the seizure or forfeiture of plastic explosive that does not contain a detection agent that is introduced or attempted to be introduced into the U.S. Changes to the regulations in § 55.186 have been made to implement this provision of the law.

Miscellaneous. In order to fully implement the provisions of the Act, regulations are prescribed in § 55.184 which authorize the Director to request from licensed manufacturers and licensed importers accurate and complete statements of process with regard to any plastic explosive or any detection agent that is to be introduced into a plastic explosive or formulated in such explosive. The regulations also give ATF the authority to require samples of any plastic explosive or detection agent from such licensees.

As stated in Article III of the Convention, ''[e]ach State Party shall take the necessary and effective measures to prohibit and prevent the movement into or out of its territory of unmarked (plastic) explosives'' so as to prevent their diversion or use for purposes inconsistent with the Convention. In order to comply with the objectives of the Convention, regulations are prescribed in § 55.183 which require persons filing Form 6 applications for importation of plastic explosives on or after April 24, 1997, to attach to the application a statement certifying that the plastic explosive to be imported contains a detection agent or is a ''small amount'' to be used for research, training, or testing purposes and is exempt from the detection agent requirement.

Finally, this Treasury decision also makes certain technical amendments and conforming changes to the

regulations in Part 55. For example, sections 55.49, 55.52, and 55.55 are being amended to remove the reference to § 55.182. Section 55.182, *Classes of explosive materials,* was replaced by § 55.202 pursuant to T.D. ATF–87 (August 7, 1981; 46 FR 40382).

Executive Order 12866

It has been determined that this temporary rule is not a significant regulatory action as defined in E.O. 12866, because the economic effects flow directly from the underlying statute and not from this temporary rule. Therefore, a regulatory assessment is not required.

Administrative Procedure Act

Because this document merely implements the law and because immediate guidance is necessary to implement the provisions of the law, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this temporary rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed under the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(j)) and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1512–0539. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The collection of information in this regulation is in section 27 CFR 55.184(a). This information is required to ensure compliance with the provisions of Public Law 104–132. This information will be used to ensure that plastic explosives contain a detection agent as required by law. The collection of information is mandatory. The likely respondents are individuals and businesses.

For further information concerning this collection of information, and where to submit comments on the collection of information, refer to the preamble to the cross-referenced notice of proposed rulemaking published elsewhere in this issue of the Federal Register.

Drafting Information

The author of this document is James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 47

Administrative practice and procedure, Arms controls, Arms and munitions, Authority delegation, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 55

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, Warehouses.

Authority and Issuance

Accordingly, 27 CFR Parts 47 and 55 are amended as follows:

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

1. The authority citation for 27 CFR Part 47 continues to read as follows:

Authority: 22 U.S.C. 2778.

2. Section 47.42 is amended by designating the existing paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 47.42 Application for permit.

* * * * *

(b) For additional requirements relating to the importation of plastic explosives into the United States on or after April 24, 1997, see § 55.183 of this title.

PART 55—COMMERCE IN EXPLOSIVES

3. The authority citation for 27 CFR Part 55 is revised to read as follows:

Authority: 18 U.S.C. 847.

4. Section 55.1 is amended by revising paragraph (a), by removing the word ''of'' in paragraph (b)(1) and adding in its place the word ''or'', by removing the word ''and'' at the end of paragraph (b)(7), by removing the period at the end of paragraph (b)(8) and adding in its place ''; and'', and by adding new paragraph (b)(9) to read as follows:

§ 55.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in explosives and implement Title XI, Regulation of Explosives (18 U.S.C. Chapter 40; 84 Stat. 952), of the Organized Crime Control Act of 1970 (84 Stat. 922), Public Law 103–322 (108 Stat. 1796), and Public Law 104–132 (110 Stat. 1214).

(b) * * *

(9) The marking of plastic explosives.

§ 55.11 [Amended]

5. Section 55.11 is amended by removing the definition for ''plastic explosive.''

6. Section 55.26 is amended by adding paragraph (d) to read as follows:

§ 55.26 Prohibited shipment, transportation, receipt, possession, or distribution of explosive materials.

* * * * *

(d) See § 55.180 for regulations concerning the prohibited manufacture, importation, exportation, shipment, transportation, receipt, transfer, or possession of plastic explosives that do not contain a detection agent.

§ 55.49 [Amended]

7. Section 55.49(b)(6) is amended by removing ''§ 55.182 or''.

§ 55.52 [Amended]

8. Section 55.52 is amended by removing ''§ 55.182 or'' in paragraphs (a) and (b).

§ 55.55 [Amended]

9. Section 55.55 is amended by removing ''§ 55.182 or'' in the first sentence.

§ 55.108 [Amended]

10. Section 55.108 is amended by adding a new paragraph (d) to read as follows:

§ 55.108 Importation.

* * * * *

(d) For additional requirements relating to the importation of plastic explosives into the United States on or after April 24, 1997, see § 55.183.

11. Section 55.129 is amended by adding a sentence at the end of the section to read as follows:

§ 55.129 Exportation.

* * * See § 55.180 for regulations concerning the exportation of plastic explosives.

12. Section 55.141 is amended by revising the introductory text of paragraph (a) and by revising paragraph (a)(1) to read as follows:

§ 55.141 Exemptions.

(a) *General.* Except for the provisions of §§ 55.180 and 55.181, this part does not apply to:

(1) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which is regulated by the U.S. Department of Transportation and its agencies, and which pertains to safety.

* * * * *

13. Section 55.180 is added to Subpart J to read as follows:

§ 55.180 Prohibitions relating to unmarked plastic explosives.

(a) No person shall manufacture any plastic explosive that does not contain a detection agent.

(b) No person shall import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent. This paragraph does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States.

(c) No person shall ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent. This paragraph does not apply to:

(1) The shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by any person during the period beginning on that date and ending on April 24, 1999; or

(2) The shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States.

(d) When used in this subpart, terms are defined as follows:

(1) *Convention on the Marking of Plastic Explosives* means the Convention on the Marking of Plastic Explosives for the Purposes of Detection, Done at Montreal on 1 March 1991.

(2) *Date of entry into force* of the Convention on the Marking of Plastic Explosives means that date on which the Convention enters into force with respect to the U.S. in accordance with the provisions of Article XIII of the Convention on the Marking of Plastic Explosives.

(3) *Detection agent* means any one of the substances specified in this paragraph when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

(i) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(ii) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(iii) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

(iv) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

(v) Any other substance in the concentration specified by the Director, after consultation with the Secretary of State and Secretary of Defense, that has been added to the table in Part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

(4) *Plastic explosive* means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25 °C, is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature. *High explosives*, as defined in § 55.202(a), are explosive materials which can be caused to detonate by means of a blasting cap when unconfined.

14. Section 55.181 is amended by adding a parenthetical text at the end of the section to read as follows:

§ 55.181 Reporting of plastic explosives.

* * * * *

(Approved by the Office of Management and Budget under control number 1512–0535)

15. Sections 55.182 through 55.186 are added to Subpart J to read as follows:

§ 55.182 Exceptions.

It is an affirmative defense against any proceeding involving §§ 55.180 and 55.181 if the proponent proves by a preponderance of the evidence that the plastic explosive—

(a) Consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

(1) Research, development, or testing of new or modified explosive materials;

(2) Training in explosives detection or development or testing of explosives detection equipment; or

(3) Forensic science purposes; or

(b) Was plastic explosive that, by April 24, 1999, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this paragraph, the term ''military device'' includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.

§ 55.183 Importation of plastic explosives on or after April 24, 1997.

Persons filing Form 6 applications for the importation of plastic explosives on or after April 24, 1997, shall attach to the application the following written statement, prepared in triplicate, executed under the penalties of perjury:

(a) ''I declare under the penalties of perjury that the plastic explosive to be imported contains a detection agent as required by 27 CFR 55.180(b)''; or

(b) ''I declare under the penalties of perjury that the plastic explosive to be imported is a ''small amount'' to be used for research, training, or testing purposes and is exempt from the

detection agent requirement pursuant to 27 CFR 55.182.''

§ 55.184 Statements of process and samples.

(a) A complete and accurate statement of process with regard to any plastic explosive or to any detection agent that is to be introduced into a plastic explosive or formulated in such plastic explosive shall be submitted by a licensed manufacturer or licensed importer, upon request, to the Director.

(b) Samples of any plastic explosive or detection agent shall be submitted by a licensed manufacturer or licensed importer, upon request, to the Director.

(Paragraph (a) approved by the Office of Management and Budget under control number 1512–0539)

§ 55.185 Criminal sanctions.

Any person who violates the provisions of 18 U.S.C. 842(l)–(o) shall be fined under title 18, U.S.C., imprisoned for not more than 10 years, or both.

§ 55.186 Seizure or forfeiture.

Any plastic explosive that does not contain a detection agent in violation of 18 U.S.C. 842(l)–(n) is subject to seizure and forfeiture, and all provisions of 19 U.S.C. 1595a, relating to seizure, forfeiture, and disposition of merchandise introduced or attempted to be introduced into the U.S. contrary to law, shall extend to seizures and forfeitures under this subpart. See § 72.27 of this chapter for regulations on summary destruction of plastic explosives that do not contain a detection agent.

Dated: December 3, 1996.

John W. Magaw,

Director.

Approved: January 3, 1997.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 97–4559 Filed 2–24–97; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 220

Third Party Collection Program

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule; correction.

SUMMARY: On January 30, 1997, the Department of Defense published a final rule (62 FR 4458) to remove 32 CFR part 220. The removal of part 220 was made due to an administrative error and should not have been removed. This document is published to correct the removal and reinstate part 220.

EFFECTIVE DATE: This correction is effective January 30, 1997.

SUPPLEMENTARY INFORMATION: All previous publications and amendments to part 220 remain effective. The last amendment to part 220 was published on January 7, 1997 (62 FR 941) which amended § 220.8(k)(2). No other adjustments or amendments or changes are effective as of February 19, 1997.

PART 220—COLLECTION FROM THIRD PARTY PAYERS OF REASONABLE COSTS OF HEALTHCARE SERVICES

For reasons set forth in the preamble, 32 CFR part 220 is reinstated as it appeared in the 32 CFR Chapter 1, July 1, 1996 edition, and amended at 62 FR 941, January 7, 1997.

Dated: February 19, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–4366 Filed 2–24–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 97–010]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between July 4, 1996 and December 31, 1996, which were not published in the Federal Register. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the Federal Register was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between July 4, 1996 and December 31, 1996, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of these temporary regulations may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Commander Stephen J. Darmody, Executive Secretary, Marine Safety Council at (202) 267–1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the Federal Register is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation. Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, Federal Register notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the Federal Register. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period July 4, 1996 and December 31, 1996, unless otherwise indicated.

Stephen J. Darmody,

Commander, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

QUARTERLY REPORT

District docket	Location	Type	Effective date
01–96–114	Hudson River, NY and NJ	Safety Zone	9/21/96
01–96–117	Boston, MA	Safety Zone	9/20/96
01–96–120	East River, New York	Safety Zone	10/6/96
01–96–123	East River, New York	Security Zone	9/24/96
01–96–125	Boston, MA	Security Zone	9/28/96
01–96–130	New York Harbor	Safety Zone	10/5/96
01–96–132	Hudson River, NY and NJ	Safety Zone	9/19/96
01–96–133	East River, New York	Security Zone	10/20/96
01–96–134	Hudson River, NY and NJ	Safety Zone	10/20/96
01–96–136	Boston, MA	Safety Zone	11/1/96
01–96–137	Boston, MA	Safety Zone	11/8/96
01–96–138	Boston, MA	Safety Zone	11/15/96
01–96–141	Portland, ME	Safety Zone	12/16/96
05–96–069	Elizabeth River, VA	Safety Zone	8/14/96
05–96–070	Elizabeth River, VA	Safety Zone	8/16/96
05–96–071	Elizabeth River, VA	Safety Zone	8/22/96
05–96–077	Elizabeth River, VA	Safety Zone	9/4/96
05–96–081	Virginia Seacoast, VA	Security Zone	9/11/96
05–96–084	Salem River, NJ	Safety Zone	9/13/96
05–96–087	Neuse River, N.C.	Safety Zone	9/30/96
05–96–088	Delaware Bay	Safety Zone	10/3/96
05–96–089	Neuse River, N.C.	Safety Zone	10/4/96
05–96–090	Neuse River, N.C.	Safety Zone	10/8/96
05–96–091	James River, VA	Safety Zone	10/12/96
05–96–092	Hampton Road, VA	Safety Zone	10/10/96
05–96–093	Delaware River	Safety Zone	10/18/96
05–96–096	Delaware River	Safety Zone	9/15/96
05–96–097	Elizabeth River, VA	Safety Zone	10/17/96
05–96–098	James River, VA	Safety Zone	10/17/96
05–96–099	Norfolk, VA	Security Zone	10/19/96
05–96–100	Chesapeake Bay, VA	Safety Zone	10/22/96
05–96–104	Hampton Roads, VA	Safety Zone	11/1/96
05–96–106	Elizabeth River, VA	Safety Zone	11/15/96
05–96–109	Chesapeake Bay, VA	Safety Zone	11/15/96
05–96–110	Wrightsville Beach, N.C.	Safety Zone	11/26/96
05–96–111	Elizabeth River, VA	Safety Zone	12/2/96
05–96–112	Chesapeake Bay, VA	Security Zone	12/4/96
05–96–115	Channel of Chesapeake, VA	Safety Zone	12/10/96
07–96–055	Islamorada, FL	Special Local	9/14/96
07–96–059	Old San Juan, PR	Special Local	10/13/96
07–96–065	Key West, FL	Special Local	11/6/96
08–96–044	Ohio River, M. 792 to Evansville, IA	Special Local	9/14/96
08–96–045	Licking River, M. 0.0 to M. 3.5	Special Local	9/28/96
08–96–059	Clear Lake, TX	Special Local	12/14/96
09–96–006	Detroit River, MI	Safety Zone	8/3/96
09–96–013	Fox River	Security Zone	9/2/96
09–96–015	Illinois Waterway	Safety Zone	10/15/96
09–96–018	Passage Island	Safety Zone	11/1/96
11–96–009	San Joaquin River, CA	Special Local	9/8/96
13–96–032	Queets, WA	Safety Zone	9/4/96
13–96–033	Queets, WA	Safety Zone	9/10/96
13–96–035	Benton, WA	Safety Zone	9/19/96
13–96–036	Queets, WA	Safety Zone	9/18/96
13–96–037	Queets, WA	Safety Zone	9/24/96
13–96–038	Portland, OR	Security Zone	9/19/96
13–96–039	Benton, WA	Safety Zone	9/26/96
13–96–040	Tacoma, WA	Safety Zone	9/29/96
13–96–041	Queets, WA	Safety Zone	10/2/96
13–96–042	Benton, WA	Safety Zone	10/3/96
13–96–043	Benton, WA	Safety Zone	10/17/96
13–96–044	Queets, WA	Safety Zone	10/15/96
13–96–045	Puget Sound, WA	Safety Zone	10/28/96
13–96–048	Port Orchard, WA	Safety Zone	12/30/96

QUARTERLY REPORT

COTP docket	Location	Type	Effective date
Charleston 96–058	Cooper River, SC	Safety Zone	9/22/96
Corpus Christi 96–010	Gulf Intracoastal Waterway	Safety Zone	9/4/96
Corpus Christi 96–011	Gulf Intracoastal Waterway	Safety Zone	11/12/96
Corpus Christi 96–013	Corpus Christi Chip Channel	Safety Zone	12/23/96
Houston/Galveston 96–003	Galveston, TX	Security Zone	10/31/96
Houston/Galveston 96–004	Freeport, TX	Safety Zone	11/7/96
Houston/Galveston 96–011	Houston, TX	Safety Zone	9/6/96
Houston/Galveston 96–012	Houston, TX	Safety Zone	9/10/96
Houston/Galveston 96–014	Houston, TX	Safety Zone	10/23/96
Huntington 96–001	Ohio River, M. 322.5 to M. 322.8	Security Zone	8/25/96
LA/Long Beach 96–019	San Pedro Bay, CA	Safety Zone	8/20/96
LA/Long Beach 96–021	San Pedro Bay, CA	Safety Zone	8/30/96
LA/Long Beach 96–022	San Pedro Bay, CA	Safety Zone	9/7/96
LA/Long Beach 96–024	San Pedro Bay, CA	Safety Zone	10/17/96
LA/Long Beach 96–025	Santa Barbara, CA	Security Zone	11/1/96
Memphis 96–001	Mississippi River, M. 722.3 to M. 725.5	Safety Zone	8/28/96
Miami 96–066	Biscayne National Park, FL	Safety Zone	11/7/96
Miami 96–070	Biscayne National Park, FL	Safety Zone	11/20/96
Miami 96–071	Biscayne National Park, FL	Safety Zone	11/21/96
Mobile 96–021	Gulf of Mexico, FL	Safety Zone	8/8/96
Mobile 96–022	Gulf of Mexico, FL	Safety Zone	8/8/96
Mobile 96–024	Gulf of Mexico, MS	Safety Zone	9/19/96
Mobile 96–026	Gulf of Mexico, FL	Safety Zone	11/10/96
Mobile 96–028	Fulton, MS	Safety Zone	12/14/96
Morgan City 96–003	Vermillion River, LA	Safety Zone	11/1/96
New Orleans 96–009	Mississippi River, M. 94 to M. 95	Safety Zone	9/26/96
New Orleans 96–010	Mississippi River, M. 94 to M. 95	Safety Zone	9/27/96
New Orleans 96–011	Industrial Canal	Security Zone	11/6/96
New Orleans 96–012	Crescent City Connection Bridge	Security Zone	10/24/96
New Orleans 96–013	Canal Bridge	Security Zone	10/24/96
New Orleans 96–014	Bienville Street Wharf	Security Zone	11/2/96
New Orleans 96–015	Mississippi River, M. 94 to M. 95	Safety Zone	11/2/96
New Orleans 96–017	Mississippi River, M. 94 to M. 95	Safety Zone	12/31/96
Paducah 96–001	Tennessee River, M. 2.5 to M. 5.5	Security Zone	10/11/96
San Diego Bay 96–008	San Diego Bay, CA	Safety Zone	8/24/96
San Diego Bay 96–010	San Clemente Island, CA	Safety Zone	11/14/96
San Francisco Bay 96–004	San Francisco Bay, CA	Safety Zone	7/4/96
San Francisco Bay 96–005	San Francisco Bay, CA	Safety Zone	10/12/96
San Francisco Bay 96–006	San Francisco Bay, CA	Safety Zone	10/10/96
San Francisco Bay 96–007	San Francisco Bay, CA	Safety Zone	10/12/96
San Francisco Bay 96–079	San Francisco Bay, CA	Security Zone	10/31/96
Savannah 96–073	Savannah, GA	Safety Zone	12/5/96
Southeast Alaska 96–001	Tongass Narrows, Ketchkan	Security Zone	11/5/96
Tampa 96–061	Tampa Bay, FL	Safety Zone	10/7/96
Western Alaska 96–001	UnAlaska Island, AK	Safety Zone	10/18/96

[FR Doc. 97–4575 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD040–3010a and MD048–3011a; FRL–5688–5]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From Open Fires, ''Once-in, Always-in,'' and Definition for the Term ''Annual''

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland on July 12, 1995 and July 17, 1995. These revisions establish a definition for the term ''annual,'' expand Maryland's once-in, always-in provisions, and require an open burning ban in Maryland's serious and severe ozone nonattainment areas during the summer months. The intended effect of this action is to approve these provisions into the Maryland SIP, in accordance with the SIP submittal and revision provisions of the Act.

DATES: This final rule is effective April 28, 1997 unless within March 27, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 566–2181, at the

EPA Region III office address listed above, or via e-mail at pino.maria@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On July 12, 1995, the Maryland Department of the Environment (MDE) submitted amendments to its open fires regulation to EPA as a State Implementation Plan (SIP) revision. This regulation controls emissions of volatile organic compounds (VOCs) through a seasonal ban on open burning in Maryland's serious and severe ozone nonattainment areas. MDE submitted this SIP revision request pursuant to the rate-of-progress (ROP) requirements of section 182 of the Clean Air Act (the Act).

On July 17, 1995, MDE submitted amendments to its ''once-in, always-in'' provisions to EPA as a SIP revision. These revisions expand the applicability of Maryland's once-in, always-in provisions to include VOC regulations triggered by applicability thresholds based on a source's actual emissions. Also on July 17, 1995, MDE submitted a definition for the term ''annual.'' This revision clarifies applicability provisions for many Maryland VOC emission control requirement provisions.

Summary of SIP Revision

State Submittal: Open Fires, COMAR 26.11.07

Maryland has amended COMAR 26.11.07 to institute a ban on open burning during the peak ozone season in Maryland's severe and serious ozone nonattainment areas. Maryland considers the months of June, July, and August the peak ozone, because that is when ambient levels of ozone in Maryland are usually the highest. The areas subject to this ban are the Baltimore severe ozone nonattainment area (Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties), the Maryland portion of the Philadelphia severe ozone nonattainment area (Cecil County), and the Maryland portion of the Washington, DC serious ozone nonattainment area (Calvert, Charles, Frederick, Montgomery, and Prince George's Counties). These revisions were adopted on May 1, 1995, and effective on May 22, 1995.

The following open fires are not prohibited, as long as all reasonable means are used to minimize smoke:

(1) For cooking of food on noncommercial property (cook outs);

(2) For recreational purposes (camp fires);

(3) For prevention of fire hazards that cannot be abated by any other means;

(4) For the instruction of fire fighters or the testing of fire fighter training systems fueled by propane or natural gas;

(5) For protection of health & safety when disposal of hazardous waste is not possible by any other means;

(6) For burning pest infested crops or agricultural burning for animal disease control;

(7) For good forest resource management practices;

(8) For the burning of excessive lodging for the purpose of re-cropping; and

(9) For testing fire fighting training systems.

This ban is in effect during the ''peak ozone season''. During the remainder of the year (September 1–May 31) Maryland's existing open fire regulations apply. Current regulations require a permit to be obtained before open burning can take place.

The program will be enforced through a coordinated effort between Maryland Department of the Environment, local agencies and public officials. There will also be a coordinated public awareness effort to educate the public about the alternatives to open burning. The ban will result in emission reductions of 13.28 tons per day (tpd) VOC. The ban will also result in significant emission reductions of carbon monoxide (CO), oxides of nitrogen (NO_x), and toxics (carcinogenic polycyclic materials).

In addition, Maryland has made the following administrative amendments to COMAR 26.11.07.

(1) All references to Ringlemann Smoke Chart have been replaced by references to opacity throughout this regulation.

(2) All references to ''Areas I–VI'' have been replaced by county names throughout this regulation.

(3) All references to ''I.I.A waste type 0 and 1'' have been placed with references to all ''ordinary household trash'' throughout this regulation.

EPA Evaluation: Open Fires, COMAR 26.11.07

These revisions, which prohibit all but certain specific open burning activities in Maryland's serious and severe ozone nonattainment areas in the peak ozone season (June, July & August), will result in significant enforceable VOC emission reductions. These reductions are needed for Maryland's 15% plans.

State Submittal: Once-in, Always in, COMAR 26.11.19.02A(3)–(5)

These SIP revisions add a once-in, always-in provision for VOC regulations triggered by applicability thresholds based on a source's actual emissions (as opposed to potential emissions). These revisions were adopted on April 7, 1995, and effective on May 8, 1995, and are applicable statewide.

The once-in, always-in provision that is currently in Maryland's SIP states that if a source is subject to the requirements of COMAR 26.11.19 (Maryland's category specific VOC regulations) because its potential emissions exceed an applicability threshold, the source will continue to be subject to the requirements, regardless of whether future emissions are below the applicability threshold. Maryland has expanded this provision to include exceedances of actual emissions thresholds. Actual emissions since January 1, 1990 will be considered in determining applicability.

EPA Evaluation: Once-in, Always in, COMAR 26.11.19.02A(3)–(5)

This revision will ensure that any new VOC requirements that have applicability thresholds based on actual emissions are enforceable for all sources that have exceeded the applicability threshold from January 1, 1990 into the future.

State Submittal: Definition of ''Annual'', COMAR 26.11.19.01B(1–1)

This SIP revision adds a definition for the term ''annual.'' This revision was adopted on April 7, 1995, and effective on May 8, 1995, and is applicable statewide.

Maryland has added a definition for the term ''annual.'' COMAR 26.11.19.01B(1–1) defines the term ''annual'' as meaning a calendar year, unless otherwise specified.

EPA Evaluation: Definition of the Term ''Annual'', COMAR 26.11.19.01B

Many of Maryland's new VOC control measures, both Reasonably Available Control Technology (RACT) regulations and other VOC control measures needed for Maryland's 15% plans and other ROP requirements, use the term ''annual'' in provisions for determining a facilities applicability. This revision will clarify any applicability provisions in COMAR 26.11.19 that use the term annual.

EPA is approving these SIP revisions without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 28, 1997

unless, by March 27, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on April 28, 1997.

Final Action

EPA is approving amendments to COMAR 26.11.07 as revisions to Maryland's ozone SIP. These revisions, which institute a ban on open burning during the peak ozone season in Maryland's severe and serious ozone nonattainment areas, were submitted by Maryland on July 12, 1995. EPA is also approving amendments to COMAR 26.11.19.02A(3)–(5) and COMAR 26.11.19.01B(1–1) as revisions to Maryland's ozone SIP. These revisions, which add a definition for the term ''annual'' and add a ''once-in, always-in'' provision for VOC regulations triggered by applicability thresholds based on a source's actual emissions, were submitted by Maryland on July 17, 1995.

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

Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air 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, the Regional Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 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 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.

EPA has determined that the approval action promulgated 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 pre-existing 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to revisions to COMAR 26.11.07, COMAR 26.11.19.02A(3)–(5), and COMAR 26.11.19.01B(1–1) of Maryland's ozone SIP, must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 1997. Filing a petition for reconsideration by the Regional Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: January 31, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraphs (c) (120) and (121) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(120) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following amendments to COMAR 26.11.07, pertaining to open fires, adopted by the Secretary of the Environment on May 1, 1995, effective May 22, 1995:

(*1*) the deletion of sections 26.11.07.01 A and B, definitions for the terms ''hazardous material'' and ''I.I.A. standards.''

(*2*) addition of new section 26.11.07.01B, ''Terms Defined.''

(*3*) addition of new sections 26.11.07.01B(1) and (2), definitions of the terms ''excessive lodging'' and ''forest resource management practices.''

(*4*) renumbering of old sections 26.11.07.01C & D, now new sections 26.11.07.01B(3) & (4).

(*5*) amendments to section 26.11.07.02, pertaining to general provisions.

(*6*) amendments to sections 26.11.07.03A, B, and B(1), pertaining to open fires authorized by control officers.

(*7*) addition of new section 26.11.07.03C, ''Prohibition on Open Burning.''

(*8*) amendments to section 26.11.07.04, pertaining to open fires authorized by public officers, including the addition of new sections (4)—(7).

(*9*) amendments to section 26.11.07.05, pertaining to open fires allowed without authorization.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.07.

(121) Revisions to the Maryland State Implementation Plan submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Amendments to COMAR 26.11.19.02A, pertaining to once-in, always-in applicability provisions, consisting of revisions to COMAR 26.11.19.02A(3), and the addition of new COMAR 26.11.19.02A (4) and (5), adopted by the Secretary of the Environment on April 7, 1995, and effective on May 8, 1995.

(C) Amendments to COMAR 26.11.19.01B, consisting of the addition of new COMAR 26.11.19.01B(1–1), the definition for the term ''annual,'' adopted by the Secretary of the Environment on April 7, 1995, effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of July 17, 1995 Maryland State submittal pertaining to COMAR 26.11.19.02A(3)–(5) and COMAR 26.11.19.01B(1–1).

[FR Doc. 97–4524 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[OH102–1a; FRL–5675–5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Ohio on August 30, 1996, which provides Ford Motor Company an extended exemption from opacity limitations for start-up of coal-fired boilers at its Cleveland Engine Plant 1. This revision extends the exemption for these boilers from 3 hours to 6 hours after start-up.

DATES: The ''direct final'' approval is effective on April 28, 1997 unless adverse or critical comments are received by March 27, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone John Summerhays at (312) 886–6067 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays at (312) 886–6067.

SUPPLEMENTARY INFORMATION:

I. Background

In the first version of Ohio particulate matter regulations approved by USEPA, i.e., Ohio's 1972 SIP submittal, Ohio's regulations imposed a limitation on opacity without any exemptions for special circumstances. However, as experience was gained enforcing this limitation, the State identified a number of circumstances in which compliance with the limitation could be considered an unreasonable requirement. One type of such circumstances is the start-up of a boiler, before stable combustion conditions have been achieved. In rule revisions adopted in the early 1980s, the State exempted sources from the opacity limitation for a period of six hours after start-up of a boiler. USEPA accepted the principle of exempting boilers from the opacity limitation for a period necessary to achieve stable combustion, but objected to provision of an automatic six hour exemption. USEPA recommended instead that Ohio provide a three hour exemption, with provision that Ohio could request longer exemptions for specific sources on a case-by-case basis.

Pursuant to USEPA's recommendation, Ohio in 1991 modified its rule on opacity, Rule 3745–17–07, in accordance with USEPA's recommendations. Paragraph (A)(3)(b)(ii) states that:

> the visible particulate emission limitations established in paragraph (A)(1) of this rule shall not apply to * * * the start-up of * * * any fuel burning equipment which are uncontrolled or which are equipped solely with mechanical collectors * * * , for a period of not more than three hours from the moment of start-up, provided that the director may incorporate a longer start-up time period in the permit * * * for such source for which an applicant demonstrates to the satisfaction of the director that the longer time period is required.

Paragraph (D) of this rule then states that:

> Any revision approved by the director in accordance with paragraph (A)(3)(a)(ii) [*et al.*] shall not revise the federally enforceable requirements of the state implementation plan until approved by the U.S. environmental protection agency.

USEPA approved Rule 3745–17–07, including the above language, on May 27, 1994, at 59 FR 27464.

II. Review of State Submittal

In this submittal, Ohio requests that the start-up exemption from opacity limitations be extended from three hours to six hours for coal-fired boilers at Ford's Cleveland Engine Plant 1, pursuant to Paragraphs (A)(3)(a)(ii) and (D) of its Rule 3745–17–07. The

submittal provides various evidence in support of this extension. In correspondence from an engineering consulting firm to Ford dated November 27, 1991, evidence was provided that starting up these boilers in less than six to ten hours (for a ''cold'' start-up) would be injurious to the heat transfer tubes in the boiler and would thereby create a safety hazard. A second type of evidence is data on the duration of opacity in excess of baseline limits during routine start-ups of these boilers. These data indicate that excess opacity essentially always exceeds the baseline opacity limit for at least some time after start-up, that excess opacity often occurs beyond three hours and up to six hours after start-up, and that excess opacity rarely occurs after 6 hours after start-up of these boilers.

Ohio's submittal includes a letter from USEPA, suggesting the possibility of avoiding an extended period of excess opacity by providing for use of natural gas as a fuel while the boilers are being started up. The submittal also includes a response to this suggestion from Ford's engineering consultant, dated March 10, 1995 (attached to correspondence from a law firm representing Ford dated March 13, 1995). This response provides cost estimates for installing burners capable of gas firing during boiler start-up, supplementing information included in the earlier document as to the historic frequency of start-ups of these boilers, indicating that provision for use of gas firing during start-up would impose high costs and would provide relatively little emissions reduction.

The State's submittal further includes a comment received from the Gas Research Institute during its public comment period. The Gas Research Institute commented that gas firing during start-up can be implemented at reasonable cost, and described selected cases where this approach has in fact been implemented. Notably, the costs cited by the Gas Research Institute in a case it describes are comparable to the cost estimates developed by Ford's consultant. The principal difference is that the Gas Research Institute notes that installation of gas-fired alternative burners would minimize emissions during ash-pulling and soot-blowing as well as during start-ups, and indicates that the costs of gas burner installation are reasonable when one considers the full range of benefits. Ohio did not provide an explicit review of this comment; nevertheless, by virtue of its request for an extension of the start-up exemption for Ford, the State can be presumed to have continued to compare costs for gas firing only against the benefits of start-up emissions reductions, and concluded that these costs would be unreasonable and disproportionate to the relevant reduction in emissions. In any case, USEPA has approved a State-wide exemption from the general stack opacity limit during ash-pulling and soot-blowing for certain classes of boilers that include Ford's boilers, and no rationale has been provided that these exemptions should not apply to Ford. Therefore, USEPA is comparing the costs of gas burner installation solely against the benefits of emissions reductions during start-up, and concludes that the cost of gas burner installation is not warranted.

The State is authorized to adopt the extension to the exemption from the opacity limit both as a condition in a permit to operate and as a provision in an administrative order. Ohio adopted both instruments, but requested USEPA action only on the administrative order. USEPA is rulemaking only on the order, for consistency with the State's request, and because the order does not expire.

USEPA guidance states that relaxations in particulate matter limitations must be evaluated as to whether the relaxation creates the potential for violation of the air quality standard. In this case, although the revision would add three hours after start-up when previously applicable opacity limits would no longer apply, the mass emissions limitations for these boilers remain in effect throughout the start-up period and thereafter. The extension of the exemption from the opacity limit is judged not to significantly affect USEPA's ability to assure achievement of the mass emissions level which has been shown to suffice to assure attainment. Therefore, no additional analyses are needed in this case to demonstrate that attainment remains assured notwithstanding this extension of the opacity limit exemption.

III. Final Rulemaking Action

USEPA has reviewed the State's request for extending the exemption from opacity limits for the boilers at Ford Motor Company's Cleveland Engine Plant 1 from three hours to six hours after start-up, and has reviewed the materials provided by the State in conjunction with this request. USEPA concurs that as these boilers are currently configured, start-up in a manner that would avoid exceedance of opacity limits beyond three hours after start-up would cause unreasonable wear on the equipment and an unreasonable risk to plant personnel. USEPA further concurs that boiler modifications to accommodate natural gas firing during start-up would impose unreasonable costs relative to the quantity of reduction of start-up emissions that such modifications would provide. Therefore, USEPA is approving the State's request to extend the period of exemption from opacity limits for start-up of Ford's Cleveland Engine Plant 1.

The USEPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, USEPA is publishing a proposal to approve the SIP revision should significant adverse or critical comments which have not been previously addressed be filed. This action will be effective April 28, 1997 unless, by March 27, 1997 such adverse or critical comments are received.

If USEPA receives such comments, this action will be withdrawn by publishing a subsequent document that will withdraw today's final action. Public comments received will be addressed in a subsequent final rule based on the proposed action published elsewhere in today's Federal Register. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 28, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan 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

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or

final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301, and subchapter I, part D of the Clean Air 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 it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: January 30, 1997.

David A. Ullrich,

Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart KK—Ohio

2. Section 52.1870 is amended by adding paragraph (c)(113) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(113) On August 30, 1996, Ohio submitted a request to extend the exemption from opacity limits for the boilers at Ford's Cleveland Engine Plant 1 to six hours after start-up.

(i) Incorporation by reference.

(A) Findings and Orders for boilers number 1 through number 5 at Ford's Cleveland Engine Plant 1, signed by Donald Schregardus on May 31, 1996.

[FR Doc. 97–4522 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[OR34–1–6136a, OR51–7266a, OR58–7273a; FRL–5680–3]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves revisions to the State of Oregon Implementation Plan. EPA is approving revisions to Oregon Administrative Rules (OAR) Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34 submitted to EPA on May 28, 1993, and a revision to Division 22 submitted to EPA on September 27, 1995, and revisions to Division 20, 21, 22, 25, 27, and 30 submitted to EPA on October 8, 1996, to satisfy the requirements of section 110 of the Clean Air Act (CAA) and 40 CFR part 51.

DATES: This action is effective on April 28, 1997 unless adverse or critical comments are received by March 27, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and ODEQ.

FOR FURTHER INFORMATION CONTACT: Catherine Woo, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION:

I. Background

The Oregon Department of Environmental Quality (ODEQ) submitted to EPA revisions to OAR, Divisions 21–24, 26, 27, 30 and 34, on May 28, 1993. A separate revision to Division 22–100, –130, and –137 was submitted September 27, 1995. A third revision to Divisions 20, 21, 22, 25, 27, and 30 was submitted October 8, 1996.

The revisions submitted on May 28, 1993, were State-effective on March 10, 1993. The submittal contained revisions to Oregon's General Emission Standards For Particulate Matter (OAR 340–21–010, –027, –040, –055 through –230, and –240 through –245); General Gaseous Emissions (OAR 340–22–005 through –100, –104 through –120, and –133 through –640); Rules For Open Burning (OAR 340–23–022 through –115); Motor Vehicles Visible Emissions (OAR 340–24–300 through –307, and –325); Field Burning Rules (OAR 340–26–001 through –015, and –031 through –055); Air Pollution Emergencies (OAR 340–27–010 through –035); Specific Air Pollution Control Rules For Areas With Unique Air Quality Control Needs (OAR 340–30–005, –012 through –030, and –035 through –230); and Residential Woodheating (OAR 340–34–001 through –215.)

The revisions submitted on September 27, 1995, were State-effective on November 2, 1994. The submittal contained revisions to Oregon's requirements for General Gaseous Emissions (OAR 340–22–110, 22–130 and 22–137.)

The following revisions were submitted on October 8, 1996 with their respective effective dates: State of Oregon Clean Air Act Implementation Plan (OAR 340–020–0047, effective date September 24, 1996); General Emission Standards for Particulate Matter (OAR 340–21–0005 through –0007, –0015 through –0025, –0030 through –0035, –0045 through –0050, and –0235, effective date January 29, 1996); General Gaseous Emissions (OAR 340–022–0102, effective date March 29, 1996, and –0130, effective date December 6, 1995); Specific Industrial Standards (OAR 340–025–0260 through –0265, effective date December 6, 1995, –0280, effective date December 6, 1995, and –0320 through –0325, effective date January 29, 1996); Air Pollution Emergencies (OAR 340–027–0005, effective date September 24, 1996); and Specific Air Pollution Control Rules For Areas With Unique Air Quality Control Needs (OAR 030–0007, –0010 and –0031, effective date January 29, 1996.)

II. Discussion

This action approves the following parts of the May 28, 1993, and September 27, 1995, submittals:

OAR 340–21–005 through –060 and OAR 340–21–200 through –240 (General Emission Standards for Particulate Matter) contained editorial changes which were minor in nature and are approved as such.

OAR 340–22–005 through –300 (General Gaseous Emissions) contained editorial changes which were housekeeping in nature and are approved as such. OAR 320–22–100 added two new source categories, Aerospace Component Coatings and Automotive Gasoline. Changes for OAR 340–22–110 and OAR 340–22–137, submitted on September 27, 1995, added permit and permit fee requirements to Gasoline Dispensing Facilities ($50 application fee) and Testing Vapor Transfer and Collection Systems ($25 application fee), along with editorial housekeeping changes, which are approved.

OAR 340–23–022 to 115 (Rules for Open Burning) contained editorial changes which were housekeeping in nature and are approved as such. OAR 340–23–030 added terms to the Definitions of open burning (''ventilation index,'' ''Waste,'' and ''yard debris''), which are approved. OAR 340–23–110 (requiring fire permit issuing agencies to maintain records of open burning permits) was repealed by the Department of Environmental Quality and EPA is approving its deletion from the SIP as it has no adverse impact on air quality.

OAR 340–24–300 through –307 and OAR 340–24–325 (Motor Vehicle Visible Emissions) contained editorial changes which were housekeeping and clarifying in nature and are approved as such.

OAR 340–26–001 through –055 (Field Burning Rules) contained editorial changes which were housekeeping and clarifying in nature and are approved as such. OAR 340–26–005 contained additions to their Definitions for Field Burning Rules (''fire safety buffer zone,'' ''marginal day,'' ''open burning,'' ''propane flaming permit,'' ''released allocation,'' and ''stack burning permit'') which are approved. OAR 340–26–013 also added a maximum acreage to be propane-flamed annually in the Willamette Valley, which is approved.

OAR 340–27–005 through –035 (Air Pollution Emergencies) contained editorial changes which were housekeeping in nature and approved as such. The Tables within OAR 340–27–005 through –035 also contained clarifications which are approved.

OAR 340–30–005 through –230 (Specific Air Quality Rules for Areas With Unique Needs) contained editorial changes which were housekeeping in nature and approved as such.

OAR 340–34–001 through –210 (Residential Woodheating) contained editorial changes which were housekeeping and clarifying in nature and are approved as such.

This action approves the following parts of the October 8, 1996, submittal:

OAR 340–20–0047 (State of Oregon Clean Air Act Implementation Plan) contained administrative changes which were routine in nature and are approved as such.

OAR 340–21–0005, –0015 through –0025, –0030 through –0035, –0045 through –0050, and –0235 (General Emission Standards for Particulate Matter) contained clarification changes and are approved as such.

OAR 340–22–0102 (General Gaseous Emissions) contained clarification changes for the definition of ''VOC'' and is approved. OAR–22–0130 also contained clarification changes and is approved.

OAR 340–25–0260 through –0265, –0280, and –0320 through –0325 (Specific Industrial Standards) contained clarification changes and are approved.

OAR 340–27–0005 (Air Pollution Emergencies) contained clarification changes to the definitions and is approved.

OAR 340–30–0007, Emission Limitations, was added to explain how the limits would be calculated and is approved. OAR 340–30 –0010 and –0031 contained clarification changes and are approved.

OAR 340–21–0007 (Application) will not be acted upon by EPA at this time and is deferred to a later date.

III. Summary of Action

EPA is approving the following revisions to OAR Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34 as submitted on May 28, 1993, revisions to Division 22 as submitted on September 27, 1995, and revisions to Divisions 20, 21, 22, 25, 27, and 30 as submitted on October 8, 1996. The following is a list of sections of Divisions 20 through 25, 26, 27, 30, and 34 being approved.

(Note: this is not the entire table of contents for the Oregon State Implementation Plan):

Division 20—Air Pollution Control (With State-effective Dates)

20–0047 State of Oregon Clean Air Act Implementation Plan (9/24/96)

Division 21—General Emission Standards for Particulate Matter (With State-effective Dates)

21–005 Definitions (1–29–96)
21–010 Special Control Areas (3–10–93)
21–015 Visible Air Contaminant Limitations (1–29–96)
21–020 Fuel Burning Equipment Limitations (1–29–96)
21–025 Refuse Burning Equipment Limitations (1–29–96)
21–027 Municipal Waste Incinerator in Coastal Areas (3–10–93)
21–030 Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment (1–29–96)

Particulate Emissions From Process Equipment

21–035 Applicability (1–29–96)
21–040 Emission Standard (3–10–93)
21–045 Determination of Process Weight (3–10–93)

Fugitive Emissions

21–050 Definitions (1–29–96)
21–055 Applicability (3–10–93)
21–060 Requirements (3–10–93)

Industrial Contingency Requirements for PM–10 Nonattainment Areas

21–200 Purpose (3–10–93)
21–205 Relation to Other Rules (3–10–93)
21–210 Applicability (3–10–93)
21–215 Definitions (3–10–93)
21–220 Compliance Schedule for Existing Sources (3–10–93)
21–225 Wood-Waste Boilers (3–10–93)
21–230 Wood Particulate Dryers at Particleboard Plants (3–10–93)
21–235 Hardboard Manufacturing Plants (1–29–96)
21–240 Air Conveying Systems (3–10–93)
21–245 Fugitive Emissions (3–10–93)

Division 22—General Gaseous Emissions General Emission Standards for Sulfur Content of Fuels

22–005 Definitions (3–10–93)
22–010 Residual Fuel Oils (3–10–93)

22–015 Distillate Fuel Oils (3–10–93)
22–020 Coal (3–10–93)
22–025 Exemptions (3–10–93)

General Emission Standards for Sulfur Dioxide

22–050 Definitions (3–10–93)
22–055 Fuel Burning Equipment (3–10–93)

General Emission Standards for Volatile Organic Compounds

22–100 Introduction (12–6–95)
22–102 Definitions (3–29–96)

Limitations and Requirements

22–104 General Requirements for New and Existing Sources (3–10–93)
22–106 Exemptions (3–10–93)
22–107 Compliance Determination (3–10–93)
22–108 Applicability of Alternative Control Systems (3–10–93)
22–110 Gasoline Dispensing Facilities (3–10–93)
22–120 Bulk Gasoline Plants and Delivery Vessels (3–10–93)
22–130 Bulk Gasoline Terminals (12–6–95)
22–137 Testing Vapor Transfer and Collection Systems (11–2–94)
22–140 Cutback and Emulsified Asphalt (3–10–93)
22–150 Petroleum Refineries (3–10–93)
22–153 Petroleum Refinery Leaks (3–10–93)
22–160 Liquid Storage (3–10–93)
22–170 Surface Coating in Manufacturing (3–10–93)
22–175 Aerospace Component Coating Operations (3–10–93)
22–180 Degreasers (3–10–93)
22–183 Open Top Vapor Degreasers (3–10–93)
22–186 Conveyorized Degreasers (3–10–93)
22–190 Asphaltic and Coal Tar Pitch Used for Roofing Coating (3–10–93)
22–200 Flat Wood Coating (3–10–93)
22–210 Rotogravure and Flexographic Printing (3–10–93)
22–220 Perchloroethylene Dry Cleaning (3–10–93)
22–300 Reid Vapor Pressure for Gasoline, except that in Paragraph (6) only sampling procedures and test methods specified in 40 CFR Part 80 are approved (3–10–93)

Division 23—Rules for Open Burning

23–022 How to Use These Open Burning Rules (3–10–93)
23–025 Policy (3–10–93)
23–030 Definitions (6–16–84); (15) ''Disease and Pest Control'' (3–10–93)
23–035 Exemptions, Statewide (3–10–93)
23–040 General Requirements Statewide (3–10–93)
23–042 General Prohibitions Statewide (3–10–93)
23–043 Open Burning Schedule (3–10–93)
23–045 County Listing of Specific Open Burning Rules (3–10–93)

Open Burning Prohibitions

23–055 Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties (3–10–93)
23–060 Benton, Linn, Marion, Polk, and Yamhill Counties (3–10–93)
23–065 Clackamas County (3–10–93)
23–070 Multnomah County (3–10–93)
23–075 Washington County (3–10–93)
23–080 Columbia County (3–10–93)
23–085 Lane County (3–10–93)
23–090 Coos, Douglas, Jackson and Josephine Counties (3–10–93)
23–100 Letter Permits (3–10–93)
23–105 Forced Air Pit Incinerators (3–10–93)
23–110 Records and Reports (3–10–93)
23–115 Open Burning Control Areas (3–10–93)

Division 24—Motor Vehicles: Motor Vehicle Emission Control Inspection Test Criteria, Methods and Standards

24–300 Scope (3–10–93)
24–301 Boundary Designations (3–10–93)
24–305 Definitions (3–10–93)
24–306 Publicly Owned and Permanent Fleet Vehicle Testing Requirements (3–10–93)
24–307 Motor Vehicle Inspection Program Fee Schedule (3–10–93)
24–325 Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria (3–10–93)

Primary Aluminum Plants

25–260 Definitions (12–6–95)
25–265 Emission Standards (12–6–95)
25–280 Monitoring (12–6–95)

Specific Industrial Standards

25–320 Particleboard Manufacturing Operations (1–29–96)
25–325 Hardboard Manufacturing Operations (1–29–96)

Division 26—Rules for Open Field Burning (Willamette Valley)

26–001 Introduction (3–10–93)
26–003 Policy (3–10–93)
26–005 Definitions (3–10–93)
26–010 General Requirement (3–10–93)
26–012 Registration, Permits, Fees, Records (3–10–93)
26–013 Acreage Limitations, Allocations (3–10–93)
26–015 Daily Burning Authorization Criteria (3–10–93)
26–031 Burning by Public Agencies (Training Fires) (3–10–93)
26–033 Preparatory Burning (3–10–93)
26–035 Experimental Burning (3–10–93)
26–040 Emergency Burning, Cessation (3–10–93)
26–045 Propane Flaming (3–10–93)
26–055 Stack Burning (3–10–93)

Division 27—Air Pollution Emergencies

All of Division 27 (3–10–93), except

27–0005 Introduction (9–24–96)

Division 30—Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area

All of Division 30 (3–10–93), except

30–0007 Emission Limitations (1–29–96)
30–0010 Definitions (1–29–96)
30–0031 Hardboard Manufacturing Plants (1–29–96)

Division 34—Residential Wood Heating

34–001 Purpose (3–10–93)
34–020 Civil Penalties (3–10–93)

Woodburning Curtailment

34–150 Applicability (3–10–93)
34–155 Determination of Air Stagnation Conditions (3–10–93)
34–160 Prohibition on Woodburning During Periods of Air Stagnation (3–10–93)
34–165 Public Information Program (3–10–93)
34–170 Enforcement (3–10–93)
34–175 Suspension of Department Program (3–10–93)

Woodstove Removal Contingency Program for PM–10 Nonattainment Areas

34–200 Applicability (3–10–93)
34–205 Removal and Destruction of Uncertified Stove Upon Sale of Home (3–10–93)
34–210 Home Seller's Responsibility to Verify Stove Destruction (3–10–93)
34–215 Home Seller's Responsibility to Disclose (3–10–93)

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 28, 1997 unless, by March 27, 1997 adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on the document found in the proposed rule section of today's Federal Register serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 28, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan (SIP). Each request for revision to the State Implementation Plan 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

This action has been classified as a Table 3 action for signature by the Regional Administrator under the

procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D, of the CAA 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 it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 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.

EPA has determined that the approval action as promulgated 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 pre-existing 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 15, 1997.

Charles Findley,

Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (116) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(116) On May 27, 1993, September 27, 1995, and October 8, 1996, the Director of ODEQ submitted to the Regional Administrator of EPA revisions to its Oregon SIP: the Oregon Administrative Rules (OAR), Housekeeping Amendments (Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34); OAR, Division 22, General Gaseous Emissions (340–22–100, –130, and –137); and OAR, Divisions 20, 21, 22, 25, 27 and 30).

(i) Incorporation by reference.

(A) May 27, 1993, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: Housekeeping Amendments, Oregon Administrative Rules, Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34, State-effective on March 10, 1993.

(B) September 27, 1995, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: Permits and Fees for Stage I Vapor Recovery Program, Division 22, General Gaseous Emissions, Sections 100, 130, and 137, State-effective on November 2, 1994.

(C) October 8, 1996, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: OAR 340–020–0047 (State-effective on September 24, 1996); OAR 340–21–0005, –0015, –0020, –0025, –0030, –0035, –0045, –0050, and –0235 (State-effective on January 29, 1996); OAR 340–022–0102 (State-effective on March 29, 1996), and –0130 (State-effective on December 6, 1995); OAR 340–025–0260 and –0265 (State-effective on December 6, 1995), –0280 (State-effective on December 6, 1995), –0320 and –0325 (State-effective on January 29, 1996); OAR –027–0005 (State-effective on September 24, 1996); OAR 030–0007, –0010 and –0031 (State-effective on January 29, 1996).

[FR Doc. 97–4519 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 81

[PA034–4054a; FRL–5688–7]

Pennsylvania Attainment Date Extension for the Pittsburgh-Beaver Valley Ozone Nonattainment Area; PA and VA Determination of Valid Air Quality Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is extending the attainment date for the Pittsburgh-Beaver Valley moderate ozone nonattainment area in Pennsylvania from November 15, 1996 to November 15, 1997. This extension is based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1996. Accordingly, EPA is updating the table in 40 CFR part 81 concerning attainment dates in the Commonwealth of Pennsylvania. EPA is also announcing its determination that air quality data collected during 1996 indicates attainment of the ozone NAAQS in the Reading, Pennsylvania and the Richmond, Virginia moderate ozone nonattainment areas by the November 15, 1996 deadline for moderate areas.

DATES: This extension becomes effective April 11, 1997 unless within March 27, 1997 adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink at (215) 566–2104, or by e-mail at spink.marcia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Request for Attainment Date Extension for the Pittsburgh-Beaver Valley Area

On November 25, 1996, the Commonwealth of Pennsylvania requested a one-year attainment date extension for the Pittsburgh-Beaver Valley moderate ozone nonattainment area. This area, which consists of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties, is currently designated a moderate ozone nonattainment area. The statutory ozone attainment date, as prescribed by section 181(a) of the Clean Air Act as amended in 1990 (''the Act''), was November 15, 1996.

CAA Requirements and EPA Actions Concerning Designation and Classification

Section 107(d)(4) of the Act required the States and EPA to designate areas as attainment, nonattainment, or unclassifiable for ozone as well as other pollutants for which national ambient air quality standards (NAAQS) have been set. Section 181(a)(1) required that ozone nonattainment areas be classified as marginal, moderate, serious, severe, or extreme, depending on their air quality.

In a series of Federal Register documents, EPA completed this process by designating and classifying all areas of the country for ozone. See, *e.g.*, 56 FR 58694 (Nov. 6, 1991); 57 FR 56762 (Nov. 30, 1992); 59 FR 18967 (April 21, 1994).

Areas designated nonattainment for ozone are required to meet attainment dates specified under the Act. The Pittsburgh-Beaver Valley, Pennsylvania ozone nonattainment area was designated nonattainment and classified moderate for ozone pursuant to 56 FR 58694 (Nov. 6, 1991). By this classification, its attainment date became November 15, 1996. A discussion of the attainment dates is found in 57 FR 13498 (April 16, 1992) (the General Preamble).

CAA Requirements and EPA Actions Concerning Meeting the Attainment Date

Section 181(b)(2)(A) requires the Administrator, within six months of the attainment date, to determine whether ozone nonattainment areas attained the NAAQS. For ozone, EPA determines attainment status on the basis of the expected number of exceedances of the NAAQS over the three-year period up to, and including, the attainment date. See General Preamble, 57 FR 13506. In the case of ozone moderate nonattainment areas, the three-year period is 1994–1996. CAA section 181(b)(2)(A) further states that, for areas classified as marginal, moderate, or serious, if the Administrator determines that the area did not attain the standard by its attainment date, the area must be reclassified upwards.

However, CAA section 181(a)(5) provides an exemption from these bump up requirements. Under this exemption, EPA may grant up to two one-year extensions of the attainment date under specified conditions:

> Upon application by any State, the Administrator may extend for 1 additional year (hereinafter referred to as the ''Extension Year'') the date specified in table 1 of paragraph (1) of this subsection if—
>
> (A) the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and
>
> (B) no more than 1 exceedance of the national ambient air quality standard level for ozone has occurred in the area in the year preceding the Extension Year.
>
> No more than 2 one-year extensions may be issued under this paragraph for a single nonattainment area.

EPA interprets this provision to authorize the granting of a one-year extension under the following minimum conditions: (1) The State requests a one-year extension, (2) all requirements and commitments in the EPA-approved SIP for the area have been complied with, and (3) the area has no more than one measured exceedance of the NAAQS during the year that includes the attainment date (or the subsequent year, if a second one-year extension is requested).

A review of the actual ambient air quality ozone data from the EPA Aerometric Information Retrieval System (AIRS), shows that six air quality monitors located in the Pittsburgh-Beaver Valley ozone nonattainment area recorded exceedances of the NAAQS for ozone during the three year period from 1994 to 1996. At three of these monitors, the number of expected exceedances was greater than 1.0 per year, and therefore constituted a violation of the ozone NAAQS.

However, in its November 25, 1996 request, the Commonwealth of Pennsylvania certified that the Pittsburgh-Beaver Valley area monitored no exceedances during 1996. The 1996 monitoring data has been quality controlled and quality assured. EPA has determined that the requirements for a one-year extension of the attainment date have been fulfilled as follows:

> (1) Pennsylvania has formally submitted the attainment date extension request.
>
> (2) Pennsylvania is currently implementing the EPA-approved SIP.

(3) Pennsylvania has certified that the area has monitored no exceedances during 1996.

Therefore, EPA approves Pennsylvania's attainment date extension request for the Pittsburgh-Beaver Valley ozone nonattainment area. As a result, the chart in 40 CFR 81.339 entitled ''Pennsylvania—Ozone'' is being modified to reflect EPA's approval of Pennsylvania's attainment date extension request.

Determination of Validated Air Quality Data for the Reading, PA and Richmond, VA Moderate Ozone Nonattainment Areas

EPA has determined that both Pennsylvania and Virginia have validated as accurate the 1994, 1995 and 1996 ozone air quality data indicating attainment of the ozone standard in the Reading, PA and Richmond, VA moderate ozone nonattainment areas. Therefore, EPA has determined that the Reading, Pennsylvania and Richmond, Virginia areas have met the November 15, 1996 attainment date for moderate areas specified in the Act. Although EPA has determined that the Reading, Pennsylvania and Richmond, Virginia areas have air quality data indicating that the NAAQS for ozone has been attained, today's action does not formally redesignate these areas to attainment. Any moderate area which has attained the ozone NAAQS will remain designated nonattainment and classified moderate until a formal redesignation request and maintenance plan is submitted and EPA fully approves it. Complying with specific ambient air quality standards is only the first step toward being officially redesignated to ''attainment''. ''Attainment'' is a legal term defined under the Act which determines whether an area is subject to certain emission control requirements proscribed by the Act. There are redesignation requests currently pending before EPA for both of these areas. EPA shall act upon those requests submitted by the Commonwealths of Pennsylvania and Virginia for their respective areas in separate rulemaking documents.

EPA Action

EPA is approving the attainment date extension for the Pittsburgh-Beaver Valley moderate ozone nonattainment area from November 15, 1996 to November 15, 1997 without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve this part 81 action should adverse or critical comments be filed. This action will be effective April 11, 1997 unless, by March 27, 1997 adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on April 11, 1997.

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

Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Extension of an area's attainment date under the CAA does not impose any new requirements on small entities. Extension of an attainment date is an action that affects a geographical area and does not impose any regulatory requirements on sources. EPA certifies that the approval of the attainment date extension will not affect a substantial number of small entities.

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 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 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.

EPA has determined that the approval action promulgated 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 imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to grant Pennsylvania an extension to attain the ozone NAAQS in the Pittsburgh/Beaver

Valley ozone nonattainment area as defined in 40 CFR 81.339 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: February 5, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

Part 81 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.339, the ''Pennsylvania—Ozone'' table is amended by revising the entry for ''Pittsburgh-Beaver Valley Area'' to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * *		*	*	*
Pittsburgh-Beaver Valley Area:				
Allegheny County		Nonattainment		Moderate.[2]
Armstrong County		Nonattainment		Moderate.[2]
Beaver County		Nonattainment		Moderate.[2]
Butler County		Nonattainment		Moderate.[2]
Fayette County		Nonattainment		Moderate.[2]
Washington County		Nonattainment		Moderate.[2]
Westmoreland County		Nonattainment		Moderate.[2]
* * * *		*	*	*

[1] This date is November 15, 1990, unless otherwise noted.
[2] Attainment date extended to 11/15/97.

[FR Doc. 97–4119 Filed 2–24–97; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067–AC54

National Flood Insurance Program; Standard Flood Insurance Policy

AGENCY: Federal Insurance Administration (FEMA).

ACTION: Final rule.

SUMMARY: This rule amends the National Flood Insurance Program (NFIP) regulations to add coverage under the Standard Flood Insurance Policy to pay for the increased cost to rebuild or otherwise alter flood-damaged structures to conform with State or local floodplain management ordinances or laws consistent with the requirements and guidance of the NFIP.

EFFECTIVE DATE: June 1, 1997.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646–3422.

SUPPLEMENTARY INFORMATION: On September 23, 1996, FEMA published in the Federal Register, 61 FR 49717, a proposed rule to amend the National Flood Insurance Program (NFIP) regulations by adding coverage under the Standard Flood Insurance Policy (SFIP) for the increased cost, up to a maximum liability of $15,000, to bring structures into compliance with State or community floodplain management laws or ordinances after flood losses. This coverage, which is referred to in the proposed rule as ''increased cost of construction'' coverage but hereinafter referred to in this final rule as ''increased cost of compliance'' coverage (ICC), is mandated by § 555 of Public Law 103–325 which requires the NFIP to ''enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361 * * *.''

The following are the principal features of the September 23, 1996 proposed rule:

(1) The limit for ICC coverage would be $15,000.

(2) Only flood-damaged structures would be eligible for the coverage.

(3) Only those structures substantially or repetitively damaged by flood would be eligible for ICC coverage.

(4) Only structures in areas of special flood hazard would be eligible for ICC payments.

(5) ICC payments would be limited to the amount necessary to meet but not exceed the NFIP elevation requirements after flood damage. (This feature of the proposed rule has been changed. See below.)

(6) Repetitive loss structures would be eligible for ICC payments when two conditions are met:

(a) The community has adopted and is enforcing a cumulative substantial damage provision or repetitive loss provision in its floodplain management ordinance that requires action by the property owner; and

(b) The structure has a history of flood claims under the NFIP that satisfies the statutory definition of repetitive loss structure.

During the comment period, sixteen (16) sets of comments were received by FEMA. In many cases, commenters shared similar views and recommendations on individual issues. The commenters' recommendations, concerns, and questions have been considered and, where appropriate, incorporated into this final rule.

$15,000 Maximum Benefit

Five commenters objected to the maximum benefit of $15,000 proposed in the rule for ICC coverage. The underlying concern is that $15,000 will be insufficient to pay for the increased costs to elevate or floodproof a structure substantially or repetitively damaged by flood. For example, one commenter concluded, ''the ICC's maximum coverage of $15,000 is far below the $35,000 average cost to elevate a

structure.'' Another commenter recommended ''full Ordinance or Law coverage up to the statutory limit'' which, for a single family dwelling, would be $250,000. One commenter, however, supported this maximum benefit for ICC coverage saying, ''In order to maintain fiscal control over the program the $15,000 cap on ICC payment should be retained.''

FEMA arrived at the $15,000 cap from basic pricing considerations and the current status of the National Flood Insurance Fund. After years of surplus in the Fund, FEMA currently has in excess of $600 million on loan from the Treasury under the program's borrowing authority as a result of unusually heavy flood losses since 1993. With this as a backdrop, FEMA had to consider several issues in establishing the coverage and in pricing ICC. First, the pricing for this coverage should be actuarially sound with premiums varying, to the extent practical, by risk. Second, § 555 of the National Flood Insurance Reform Act of 1994 sets a cap on the amount the NFIP may charge on each policy for ICC coverage. The statute says, ''The Director shall impose a surcharge on each insured *of not more than $75 per policy* to provide cost of compliance coverage.'' (Emphasis added.) Third, FEMA estimates that on average 3400–3700 ICC claims will be made each year to bring flood-damaged structures into compliance with State or local floodplain management laws or ordinances. Fourth, FEMA has drawn on its NFIP underwriting experience to make projections for ICC coverage, but there are uncertainties associated with the introduction of any new product, particularly one for which there is no direct experience. Fifth, aside from the NFIP's borrowing authority, there is currently no surplus of funds to provide a cushion against uncertainties.

For these reasons, FEMA has determined that a $15,000 limit on ICC coverage is a prudent amount for the introduction of this new product. FEMA recognizes that $15,000 generally will not be sufficient to pay all of the costs to bring the structure into compliance with state and community floodplain management laws and ordinances, but it will make a significant contribution toward those costs. Although the individual property owner will have to bear a portion of the cost of the selected mitigation measure (elevation, floodproofing, relocation or demolition or combinations thereof), there should be a commensurate increase in the value of the property that will offset at least part of those costs. FEMA will review its experience with ICC from time to time to determine whether adjustments should be made in the pricing, the amount of the benefit, or other aspects of the coverage.

Furthermore, other mitigation resources and programs from FEMA, as well as other Federal, State and local resources, can be used to supplement the ICC payment to help property owners comply with State and community laws and ordinances. For example, currently, the Hazard Mitigation Grant Program available pursuant to § 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288, as amended, could be used to supplement the ICC benefit in communities which initiate mitigation projects.

Limitation of ICC to Flood Damaged Structures

One commenter recommended that ICC coverage not be limited to flood damages. This recommendation, however, cannot be incorporated in the final rule since § 555 of the National Flood Insurance Reform Act of 1994 authorizes ICC coverage only for flood-damaged structures. The statute authorizes ICC coverage for ''(1) properties that are repetitive loss structures; (2) properties that have *flood damage* in which the cost of repairs equals or exceeds 50 percent of the value of the structure at the time of the *flood event;* and (3) properties that have sustained *flood damage* on multiple occasions * * *.'' ''Repetitive loss structure'' is defined at § 512 of Pub. L. 103–325 as ''a structure covered by a contract for flood insurance under this title that has incurred *flood-related damage* on 2 occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repair, on the average, equaled or exceeded 25 percent of the value of the structure at the time of *each such flood event.*'' (Emphasis added.) The final rule limits the benefit of ICC coverage under Coverage D of the Standard Flood Insurance Policy to bring *flood-damaged structures* into compliance with State or local floodplain management laws or ordinances.

ICC Benefits Within the Maximum Limits of Insurance Coverage

One commenter objected that the $15,000 ICC benefit was included within, and not in addition to, the maximum statutory limits of flood insurance coverage available to property owners for direct, physical damage from flood, which for a single family dwelling is $250,000. The commenter felt that the maximum liability of $250,000 for a single family dwelling for Coverage A (direct, physical loss from flood), combined with the new Coverage D (increased cost of compliance), effectively denied $15,000 of flood insurance benefits to the policyholder who has purchased the statutory limits of coverage.

FEMA considered this objection but concluded it does not have the authority to exceed the maximum statutory limits set by Congress for the NFIP in the Act, as amended (42 U.S.C. 4013). Consequently, as stated in the proposed rule, the ICC benefit would be added to the policy limit for direct loss from flood, but the total payment for the ICC benefit and the direct loss payment for flood would not be greater than the maximum limits of coverage for that class of structure authorized under the Act, as amended. In that connection, § 573 of Pub. L. 103–325 increased the maximum limit of flood insurance coverage for a single family dwelling from $185,000 to $250,000 and for non-residential structures from $250,000 to $500,000. For structures insured to the statutory limit, FEMA's pricing of ICC coverage, however, reflects the possibility that, under some conditions, a full $15,000 could not be collected.

Types of Mitigation Allowed

One commenter stated that the proposed rule centers on elevation and floodproofing and does not address relocation or demolition. The Proposed Rule for ICC coverage indicated in the Standard Flood Insurance Policy and in the ''Supplementary Information'' section that the allowable mitigation measures under ICC include elevation, floodproofing, relocation, and demolition, or any combination thereof. These allowable mitigation activities have been retained in the final rule. It is the property owner's decision which mitigation measure will be undertaken provided that he or she complies with applicable State or community floodplain management laws or ordinances. However, FEMA expects that States or communities will work closely with the property owner to determine the most technically feasible and cost effective mitigation measure for the damaged structure. It is also expected that States or communities that have adopted a mitigation plan will ensure that the selection of the mitigation measure will be consistent with the approved plan and coordinated with other mitigation programs and activities.

Another commenter asked whether ICC is available for floodproofing residential buildings in those communities that are permitted by FEMA to adopt standards for residential

floodproofed basements. Under 44 CFR 60.6 (b) or (c) of the NFIP's Floodplain Management Regulations, communities that have been approved for residential basement exceptions by FEMA may adopt standards for floodproofed residential buildings. The ICC benefit can be used to floodproof a residential basement only if the building is located in one of these communities approved for residential basements exceptions. The final rule says this and also indicates that ICC payments will be made in connection with non-residential floodproofing to meet State or local floodplain management requirements.

Payments for Elevating or Floodproofing to Elevations Which Exceed NFIP Minimum Requirements

Seven comments objected to the limitation in the proposed rule that ICC pay for the cost of elevation or floodproofing flood-damaged structures only to the base flood elevation, the NFIP minimum standard, and not to a higher elevation required in some State and community laws and ordinances. The comments pointed out that some States and communities, in the interest of sound floodplain management and in recognition of future floodplain development, exceed the NFIP's minimum standards by requiring new or substantially improved structures to be elevated or floodproofed to one or more feet above the base flood elevation. This more restrictive elevation requirement is generally referred to as ''freeboard.'' Furthermore, the comments noted that FEMA has, as a matter of policy, encouraged communities to exceed the NFIP's minimum standards, and that FEMA's Community Rating System (CRS) in fact provides premium rate discounts to communities that exceed the minimum requirements.

FEMA agrees with these comments that the cost to elevate or floodproof structures to higher State or community floodplain management standards should be eligible for ICC benefits. The final rule has, therefore, been revised to permit ICC payments, up to the $15,000 limit of coverage, to elevate or floodproof structures to the ''freeboard'' established and enforced in the State or community's floodplain management law or ordinance.

ICC Benefits for Map Revisions and Areas Designated as Zone A

Two aspects of ICC that should be clarified are: (1) How ICC coverage will respond to situations where FEMA issues an advisory map or has issued a preliminary or draft Flood Insurance Study, and (2) how ICC will respond to elevation requirements in areas designated as Zone A. If FEMA issues an advisory map and increases the base flood elevation, and the community adopts the map and the higher base flood elevations, ICC benefits will be paid to elevate or floodproof flood-damaged structures to these preliminary or advisory base flood elevations. ICC benefits will be paid even if the zone was previously designated Zone B, C, X, or D. Also, in communities that have areas designated as unnumbered A Zones on their Flood Insurance Rate Map, ICC benefits will be paid on a flood damaged structure for elevation, floodproofing, demolition, relocation, or any combination thereof. The community must obtain, review and reasonably utilize any base flood elevation data available from a Federal, State, or other sources in accordance with 44 CFR 60.3(b)(4) and require that the structure be elevated or floodproofed to that elevation. The base flood elevation data should be used as long as the data: (1) Reasonably reflect flooding conditions expected during the base (100-year) flood, (2) are not known to be scientifically or technically incorrect, and (3) represent the best data available.

Demolition

An issue needing clarification is where a structure is demolished, and a replacement structure is built at the same or another site. In this situation, ICC coverage will pay for the cost of demolition as well as for the incremental costs to elevate or floodproof the structure during the course of rebuilding to meet elevation requirements at the same site or another location provided the elevation or floodproofing is to comply with State or community floodplain management laws or ordinances. The ICC payment, within the $15,000 limit, will also be made when the structure, after demolition, is rebuilt at a new site even if the base flood elevations are higher there than at the original location. FEMA's decision to permit ICC benefits to pay for the incremental costs of elevation or floodproofing after a structure has been demolished is based on the statutory language of § 555 of Public Law 103–325, i.e., that the new coverage is to pay for ''increased cost of compliance'' with land use and control measures being enforced by the State or community that meet the standards of 44 CFR 60.3 established under § 1361 of the National Flood Insurance Act of 1968, as amended.

In sum, ICC benefits will be paid to perform mitigation activities to help bring a structure into compliance with State and community floodplain management laws or ordinances. Not included in any ICC payment for demolition will be the residual value of the undamaged portion of the structure.

FEMA considered whether to pay for loss of residual value when the demolition option is selected. Offering ICC benefits for loss of residual value is a potentially costly initiative—one that could undermine FEMA's ability to raise the initial cap of $15,000 at some later date if program experience warrants such an increase. Hence, FEMA has decided to gain experience with ICC and to analyze that program experience in order to determine the feasibility of providing ICC benefits for loss of residual value. FEMA will initiate this analysis after nine months from the effective date on this final rule.

Market Value versus Replacement Cost and Substantial Improvements

One commenter stated that ''market value'' was not defined and recommended the use of ''replacement cost'' instead. Another commenter asked how States or communities that use ''replacement cost'' instead of ''market value'' implement the substantial damage requirement.

While the statute does not specify what value should be used in determining substantially damaged or repetitive loss structures, ''market value'' is currently used in the definitions of ''substantial damage'' and ''substantial improvement'' in the NFIP's Regulations (44 CFR 59.1). For this reason, ''market value'' will be used for consistency for ICC substantial damage and repetitive loss determinations. Under the NFIP, substantially damaged structures must be elevated or floodproofed (non-residential structures only) to or above the Base Flood Elevation. States and communities participating in the NFIP are required to use market value in determining whether a structure has been substantially damaged. Use of ''replacement cost'' is not permitted under the NFIP's floodplain management regulations.

A related issue that should be clarified is how ICC coverage will respond to situations involving improvements that are made to a damaged structure at the same time that it is being repaired. The final rule provides that payment be made to help policyholders comply with State and community floodplain management laws and ordinances after a flood loss. Unless the flood loss alone constitutes ''substantial damage'' or the loss meets the criteria for a ''repetitive loss'', ICC will not provide coverage even if the

combination of the cost of the repair and the cost of the improvement exceeds the 50 percent of market value threshold for a ''substantial improvement'' under the community's ordinance. The improvement represents a voluntary decision by the individual to improve or add on to an existing structure in a special flood hazard area and is not a flood loss as required by the statute. In addition, ICC will not cover the costs to bring into compliance with State or community elevation or floodproofing requirements any improvements or additions to damaged structures at the time repairs are made, such as a new addition. Although ICC benefits are not paid for substantial improvements, substantially improved structures and improvements made along with repairs to a substantially damaged structure must still meet all the minimum requirements of the NFIP.

Repetitive Loss Structures

A number of comments were received on implementation of the repetitive loss coverage under ICC. These comments relate to ordinance adoption, timing of the flood losses relative to the effective date of the final rule, and how losses are counted toward a repetitive loss determination.

There were several questions and comments on whether States and communities will be required to amend their floodplain management ordinances to include a repetitive loss provision. One commenter suggested that communities be given a reasonable time frame within which to adopt this provision before the coverage goes into effect. One commenter recommended that the requirement to adopt a repetitive loss provision be eliminated as a condition for receiving the benefit. Two other commenters noted that very few communities currently have a repetitive loss provision in their floodplain management ordinance and that the requirement to adopt such a provision would be at great expense and difficulty. A commenter also asked what the effect would be on a policyholder if a community did not adopt a repetitive loss provision.

Based on a review of the statute and the NFIP's other authorities, FEMA has concluded that the statute does not mandate that it change the NFIP's floodplain management regulations at 44 CFR 59.1 and 60.3 to require States and communities to adopt a repetitive loss requirement. Therefore, adoption of a cumulative substantial damage provision or a repetitive loss provision is voluntary and will be at the discretion of the State or community. Making adoption of such a provision voluntary recognizes that very few of the approximately 18,500 participating NFIP communities have adopted a cumulative substantial damage provision or repetitive loss provision in their floodplain management laws or ordinances. Furthermore, FEMA recognizes that there is an added administrative burden to communities in adopting and administering these types of provisions. Finally, not all NFIP communities have a history of repetitive flood losses to existing structures. Making this feature of ICC implementation voluntary will allow States and communities to evaluate historic flood losses carefully to determine whether such a provision would significantly mitigate the flood risk to existing structures. While the ICC benefit will not be paid for a repetitive loss structure if the State or local government has not adopted a cumulative substantial damage or repetitive loss provision in its floodplain management law or ordinance, the ICC benefit will still be paid for substantially damaged structures whether or not the community adopts a repetitive loss provision. A State or community can adopt a law or ordinance addressing repetitive loss structures at any time before or after this final rule becomes effective.

FEMA has concluded that since the statute ties the availability of ICC to the land use and control measures under § 1361 of the Act (42 U.S.C. 4102), as amended, ICC coverage is intended to respond only to State or local ordinances or laws requiring repetitive loss structures to be rebuilt to at least NFIP floodplain management requirements for substantially damaged structures. Therefore, one of the conditions for the ICC benefit to be paid under the SFIP for repetitive loss structures is for the State or community to be enforcing a repetitive loss provision or a cumulative substantial damage provision requiring action by the property owner. The second condition that must be met is that the structure have a history of claims payments that satisfy the statutory definition of repetitive loss structure.

Several commenters recommended that ordinance language be flexible to meet local concerns. One commenter noted that communities may already have a cumulative substantial damage requirement that is inconsistent with the repetitive loss definition in the proposed rule. The State or community's requirement for a property owner to bring a building into compliance can be triggered by a cumulative substantial damage or repetitive loss ordinance that deviates from the National Flood Insurance Reform Act's definition; however, a policyholder will only be eligible for ICC payments when the Act's repetitive loss definition is satisfied. With either type of provision, the State or community must apply it consistently to all structures regardless of whether or not the structure is covered by a contract for flood insurance. At a minimum, structures that met the definition of a ''repetitive loss structure'' would be required to meet the minimum floodplain management requirements that apply to substantially damaged structures.

FEMA will develop model ordinance language for addressing repetitive loss structures consistent with the statute's definition. FEMA also will be developing guidance on adoption of the repetitive loss provision; however, States or communities with questions concerning whether an existing repetitive loss or cumulative substantial damage provision in a community's law or ordinance is consistent with the definition in the final rule can contact their respective FEMA Regional Offices for assistance.

Questions were raised concerning the timing of the first and second loss relative to when the ICC coverage takes effect and when the community adopts a repetitive loss provision for determining if a structure has been repetitively damaged. Specifically, the comments questioned why the first qualifying loss has to occur after the State or community amends its law or ordinance to include a repetitive loss provision or why both claims have to occur after ICC coverage takes effect. In a related comment, it was asked how FEMA intends to treat a loss after the effective date of the final rule on ICC coverage, but before community adoption of a repetitive loss provision.

The proposed rule stated that the benefit of ICC under the SFIP for repetitive loss structures requires that two conditions be met. First, the State or community must be enforcing a cumulative substantial damage or repetitive loss provision requiring action by the property owner. Second, the NFIP must have a history of claims payments for the structure that satisfies the statutory definition of repetitive loss structure.

FEMA is implementing the repetitive loss provision of the statute by providing ICC coverage when a property owner is required to rebuild in compliance with a community's substantial damage or repetitive loss provision and the accumulated damage based on two losses within a 10-year

period that, combined, total more than 50% of the value of the structure. The date on which the first loss occurred is immaterial as to eligibility, even if the loss occurred before the effective date of this final rule since ICC coverage will respond to enforceable State or community floodplain management laws or ordinances for compliance.

Several comments and questions were received on how repetitive losses are counted toward a repetitive loss determination. One commenter asked whether each of the two losses have to equal at least 25% of the value of the structure for a total of 50% in order to qualify as a repetitive loss structure. Another commenter suggested that the determination should be flexible to reach a 50% loss, whether the first loss is only 10% and the second is 40%.

The definition of ''repetitive loss structure'' in the statute, states that ''the cost of repair, on the average, equaled or exceeded 25 percent of the value of the structure at the time of each such flood event''. In the proposed rule, FEMA stated that the two losses, when combined, must equal or exceed 50 percent of the market value of the structure within a 10-year period ending on the date of the event for which the second claim is made. Therefore, if the first loss is only 10% and the second loss is 40% and the State or community enforces the repetitive loss ordinance for these losses, the structure qualifies for the ICC payment. However, two or more losses that when combined are less than 50 percent of the market value of the structure do not qualify under the statutory definition of a ''repetitive loss structure.''

ICC Coverage for Multiple Flood Damages

Two commenters mentioned that specific guidance should be developed as soon as possible for the third category of flood-damaged structures eligible under the statute for ICC coverage. The third category consists of structures damaged by flood ''on multiple occasions, if the Director determines that it is cost-effective and in the best interests of the National Flood Insurance Fund to require compliance with the land use and control measures'' (42 U.S.C. 4011). As mentioned in the ''Supplementary Information'' section of the September 23, 1996 proposed rule, since the statute does not specify a specific loss threshold for the third category of multiple losses, the NFIP needs specific experience with this new coverage to determine what multiple loss situations would be reasonable, cost-effective candidates for compliance with State or local land use and control measures after a flood loss. FEMA will review the loss history for ICC coverage and the status of the National Flood Insurance Fund after the first several years of implementation of this coverage. At that point, FEMA will decide whether ICC coverage should be implemented for the third category of structures ''damaged by flood on multiple occasions where the FEMA Director had determined it is in the best interests of the National Flood Insurance Fund to require compliance with land use and control measures (42 U.S.C. 4011).'' The decision will be based on the best interests of the NFIP's financial status at that time, and whether the pricing constraints imposed by the statute can accommodate an expansion of coverage.

Adjustment of ICC Claims

Three commenters raised specific questions about the adjustment process for ICC claims under the SFIP. FEMA is drafting detailed procedures to be used by adjusters for ICC claims. The final loss adjustment procedures implementing ICC coverage will be distributed to the companies participating in the Write Your Own program as well as the adjusters servicing the NFIP business written directly by the Government approximately 30–60 days before the effective date of this final rule. Also, FEMA in conjunction with the NFIP Bureau and Statistical Agent will conduct approximately 30 workshops for insurance adjusters to address ICC.

ICC: Optional vs. Mandatory Coverage

Two commenters recommended that ICC coverage should be made optional. Section 555 of Public Law 103–325 requires the NFIP to ''enable the purchase of this coverage * * *'' What makes any coverage under an insurance contract possible, however, is the spread of the risk over a sufficiently large population exposed to a common peril. For this reason, and the high potential that only the worst risks would purchase ICC coverage if it were optional, it is necessary to provide this coverage by incorporating it as a standard coverage for every flood insurance policy. Reasonable pricing would be impossible otherwise.

One commenter raised a related question whether policyholders outside areas of special flood hazard could ever be eligible to make an ICC claim. ICC coverage for policies in zones B, C, X, and D insures against the possibility that, after the rating of policies in those zones, the Flood Insurance Rate Map (FIRM) is changed and the community requires such structures to be in compliance after substantial or cumulative substantial flood damage. Because of the lower potential for ICC claims from policies rated outside of the current special flood hazard area, the premium charges are considerably less, at $6 per year, than for the higher risk, i.e., pre-FIRM properties in the special flood hazard area at $75 per year.

Range of Premiums Charged for ICC Coverage

On a related issue, four commenters asked how the premiums charged for ICC would be calculated and whether the maximum surcharge of $75 would be applied to all structures. As explained above, the surcharge for ICC coverage ranges from $6 to $75 and is based on the likelihood of loss payments for each risk zone. The underlying concern was that surcharges would be assessed of policyholders who would not be eligible for the ICC coverage. As indicated above, all structures regardless of risk zone are eligible for ICC coverage, and premium surcharges, reflective of the risk, have been set for ICC coverage.

Exclusions

The September 23, 1996 proposed rule was silent on the availability of ICC coverage in Emergency Program communities and for those recipients of Individual and Family Grant (IFG) awards insured under a Group Flood Insurance Policy (GFIP). FEMA's pricing considerations for ICC coverage have never included policyholders in Emergency Program communities or IFG recipients insured under the GFIP since any premium surcharge would be onerous in light of the limited amount of structure coverage available to these categories of policyholders. (The maximum amount of structure coverage authorized by the Act for a single family dwelling under the Emergency Program is $35,000 which would also be the limit on the combined building and ICC loss payment.)

With regard to the GFIP, FEMA is considering whether to issue a proposed rule soliciting comments on adding ICC coverage to the certificate holders covered under the GFIP. At this juncture, however, those insured under the GFIP are excluded from ICC coverage.

This final rule addresses the omissions by excluding from ICC coverage ''the cost associated with enforcement of any floodplain management ordinance or law in communities participating in the Emergency Program'' and ''for any structure insured under a Group Flood

Insurance Policy issued pursuant to 44 CFR 61.17.''

Appurtenant Structures

One commenter asked whether ICC coverage would apply to appurtenant structures. Only the SFIP's Dwelling Form provides coverage against direct, physical loss from flood for appurtenant structures. As indicated in the ''Exclusions'' section of the Dwelling Form of the SFIP (see new Article 4 of Appendix A (1) being added by this final rule), ICC coverage does not apply to appurtenant structures. No similar exclusionary language is needed for ICC coverage in the General Property Form (Appendix A (2)) and the Residential Condominium Building Association Policy Form (Appendix A (3)) since there is no coverage for direct physical loss from flood for appurtenant structures in these forms. ICC coverage is available for appurtenant structures only when a separate flood insurance policy is written on an appurtenant structure, since ICC coverage will be included as Coverage D in every SFIP written or renewed on and after June 1, 1997.

Cancellations and Refunds

Two commenters asked specific questions on cancellations and refunds. One commenter asked, since it will be possible for the owners of 3-year policies to cancel on the anniversary date and purchase a new policy with ICC coverage on and after the effective date of the final rule on ICC coverage, will the owners of 1-year policies have the option of canceling mid-term. Cancellations in connection with ICC will be subject to the NFIP's current rules. A policyholder of a 1-year policy will have to wait until the policy is renewed at which time the premium surcharge will automatically be charged for ICC coverage. A policyholder of a 3-year policy written before this coverage becomes effective may cancel and rewrite on the anniversary date of the policy on and after June 1, 1997 in order to add ICC coverage. To ensure continuous coverage, policyholders must submit policy applications and premium payments 30 days before the anniversary date of the policy since ''cancel-rewrite'' situations for 3-year policies are subject to the statutory 30-day waiting period.

One commenter also asked about whether a refund of premium for ICC coverage is available when a policy is canceled. Refunds for ICC coverage will also be subject to the NFIP's current rules for premium refunds.

Interim Final Rule vs. Final Rule

Three commenters recommended that, in implementing ICC coverage, FEMA publish this rule as an ''interim final'' rule rather than a ''final rule'' which would conceivably permit more time by States to recommend adjustments to the implementation of ICC coverage.

The Office of the Federal Register, National Archives and Records Administration, has issued guidance to Federal agencies on the appropriate type of action, i.e., proposed, interim, or final rule, to be selected for any rule making activity. The following selection from the Federal Register's Document Drafting Handbook says, ''An interim rule is usually issued without prior notice of proposed rule making. An immediate effective date is generally specified and comments on the interim rule may be requested. The interim rule is designed to respond to an emergency situation and is usually followed by a final rule which confirms that the interim rule is final and may include further amendments.'' (p. 39). The particulars of this final rule do not warrant publication as an interim final rule since proposed rule making has been conducted, comments have been solicited on the proposed rule, substantive changes have been made to this final rule based on comments received during the comment period, and no emergency situation exists.

Consistent with agency policy, FEMA considers State and local governments to be essential partners in the implementation of a national emergency management program, and mitigation is the cornerstone of that program. As a result, during the first years of implementing ICC coverage, FEMA expects to benefit from the experience of States, local governments, policyholders, insurance agents, insurance adjusters, and the Write Your Own companies selling and servicing a majority of the SFIPs and make any necessary changes to the rule implementing ICC coverage as necessary.

Increased Cost of Compliance Coverage

One commenter from the insurance industry recommended that the title for Coverage D read ''increased cost of compliance'' coverage rather than ''increased cost of construction'' as reflected in the September 23, 1996 proposed rule. FEMA agrees with this recommendation since the new coverage mandated by § 555 of Pub. L. 103–325 is described as ''compliance coverage'' in the statute. ''Increased cost of compliance'' more accurately describes the kind of coverage being added to the SFIP and is consistent with the terminology in the industry's Law and Ordinance coverage.

Guidance and Technical Assistance

Questions were also raised on how FEMA intends to inform policyholders as well as States and communities and others impacted on the availability of this new coverage. Several commenters stated that implementation procedures will need to be developed for State and local officials who may potentially have increased responsibility as a result of this new coverage. In addition, it was recommended that a model ordinance on the repetitive loss aspect of ICC be developed and assistance be provided to communities regarding this provision. It was also recommended that FEMA provide an explanatory letter or brochure to accompany each policy which fully explains the new coverage.

It is FEMA's intention to inform policyholders in the renewal notice on the new ICC coverage. All future insurance adjuster and agents workshops will include a segment explaining the new coverage. It is also FEMA's intention to develop before the effective date of the final rule a publication for use by State and local officials explaining the details of the new coverage, their responsibilities under their floodplain management laws and ordinances as it pertains to the ICC coverage, their relationship to the flood insurance adjustment process, as well as information on cost effective mitigation measures. FEMA will also include in this guidance model ordinance language on a repetitive loss provision. FEMA Regional Office will provide technical assistance to States and communities on technically feasible and cost-effective mitigation measures. Existing opportunities, such as Community Assistance Visits, workshops, conferences, and FEMA sponsored flood mitigation courses will be utilized to explain this new coverage. There are also a number of FEMA publications available to assist States, communities, architects, engineers, builders, and contractors, as well as individual property owners on various mitigation measures and techniques for elevation, floodproofing, and relocation (e.g., Engineering Principles and Practices for Retrofitting Flood Prone Residential Structures'', ''Elevated Residential Structures'', ''Floodproofing Non-Residential Structures'', and ''Technical Bulletins'' on NFIP building standards).

Technical Corrections to the Policy Language

The final rule clarifies coverage issues and corrects several technical inconsistencies in the policy language as it appeared in the September 23, 1996 proposed rule. For example, to make it clear for the policyholder, community officials, and insurance adjusters precisely what floodproofing activities are eligible for ICC coverage, eligible floodproofing have been related to the applicable NFIP floodplain management standards at 44 CFR 60.3(b) or (c). As mentioned above, the proposed rule was silent on several exclusions, and the final rule has been revised to correct that omission. Also, Coverage A was incorrectly referred to in the proposed rule as ''Dwelling'' in the proposed addition to Appendix A (1) and ''Building'' in the proposed addition to Appendices A (2) and (3). The final rule has been revised to correctly identify Coverage A in each of the SFIP's Forms as ''Building Property.'' Also, the reference to ''other insurance'' which was contained in the proposed rule has been removed from Coverage D since the SFIP already treats the issue of ''other insurance'' in Article 9 of the Dwelling Form, Article 8 of the General Property Form, and Article 10 of the Residential Condominium Building Association Policy Form.

National Environmental Policy Act

This final rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental assessment has been prepared.

Executive Order 12898, Environmental Justice

The socioeconomic conditions to this final rule were reviewed and a finding was made that no disproportionately high and adverse effect on minority or low income populations would result from this final rule.

Executive Order 12866, Regulatory Planning and Review

This final rule is not a significant regulatory action within the meaning of sec. 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, and has not been reviewed by the Office of Management and Budget. Nevertheless, this final rule adheres to the regulatory principles set forth in E.O. 12866.

Paperwork Reduction Act

This final rule does not contain a collection of information and is therefore not subject to the provisions of the Paperwork Reduction Act.

Executive Order 12612, Federalism

This final rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This final rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 61

Flood insurance.

Accordingly, 44 CFR Part 61 is amended as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978; 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

Appendix A(1)—[Amended]

2. Paragraph A.6. of Article 3 of Appendix A (1) is amended to add the following phrase at the end:

* * * * *

* * * except as provided in Coverage D—Increased Cost of Compliance.

* * * * *

3. A new section is added to Article 4 of Appendix A (1) to read as follows:

* * * * *

Coverage D—Increased Cost of Compliance Coverage

Increased Cost of Compliance coverage (Coverage D) is for the consequential loss brought on by a floodplain management ordinance or law affecting repair and reconstruction involving elevation, floodproofing, relocation, or demolition (or any combination thereof) of a structure, after a direct loss caused by a ''flood'' as defined by this policy. (Floodproofing activities eligible for Coverage D and referred to hereafter in this policy are limited to residential structures with basements that satisfy the criteria of 44 CFR 60.6 (b) or (c) and to non-residential structures.)

The limit of liability under this Coverage D (Increased Cost of Compliance) will not exceed $15,000. This coverage is only applicable to policies with building coverage (Coverage A) and is in addition to the Building limit you selected on your application, and appears on the Declarations Page. No separate deductible applies. The maximum amount collectible under this policy for both Coverage A (Building Property) and Coverage D (Increased Cost of Compliance), however, cannot exceed the maximum permitted under the Act.

Eligibility

A structure covered under Coverage A—Building Property—sustaining a loss caused by a ''flood'' as defined by this policy must:

1. Be a structure that is a repetitive loss structure. A ''repetitive loss structure'' means a structure, covered by a contract for flood insurance issued pursuant to the Act, that has incurred flood-related damage on 2 occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event. In addition to the current claim, the National Flood Insurance Program must have paid the previous qualifying claim, and the State or community must have a cumulative, substantial damage provision or repetitive loss provision in its flood plain management law or ordinance being enforced against the structure; or

2. Be a structure that has had flood damage in which the cost to repair equals or exceeds 50% of the market value of the structure at the time of the flood event. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.

This Coverage D will not pay for Increased Cost of Compliance to meet State or community floodplain management laws or ordinances which exceed the minimum criteria at 44 CFR 60.3, except as provided in 1. above or a. or b. as follows:

a. elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood elevations are being increased, and a flood-damaged structure must comply with the higher advisory base flood elevation.) Increased Cost of Compliance coverage does not respond to situations in B, C, X, or D zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.

b. elevation or floodproofing above the base flood elevation to meet State or local ''freeboard'' requirements, i.e., that a structure must be elevated above the base flood elevation.

Under the minimum NFIP criteria at 44 CFR 60.3(b) (4), States and communities must require the elevation or floodproofing of structures in unnumbered A zones to the base flood elevation where elevation data are obtained from a Federal, State, or other source. Such compliance activities are also eligible for this Coverage D.

This coverage will also pay for the incremental cost, after demolition, or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion (7).

This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

Conditions

(1) When a structure covered under Coverage A—Building Property—sustains a loss caused by a ''flood'' as defined by this policy, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, demolish, or any combination thereof, caused by enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building or a portion thereof caused by enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

(2) When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

Exclusions

Under this Coverage D (Increased Cost of Compliance), we will not pay for:

(1) The cost associated with enforcement of any floodplain management ordinance or law in communities participating in the Emergency Program.

(2) The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants. Pollutants include but are not limited to any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acid, alkalis, chemicals and waste. Waste includes but is not limited to materials to be recycled, reconditioned or reclaimed.

(3) The loss in value to any covered building or other structure due to the requirements of any ordinance or law.

(4) The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

(5) Any increased cost of compliance under this Coverage D:

(a) Until the covered building is actually elevated, floodproofed, demolished or relocated on the same or to another premises; and

(b) Unless the covered building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed two years.

(6) For any code upgrade requirements, e.g., plumbing or electrical wiring, not specifically related to the State or local floodplain management law or ordinance.

(7) For any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

(8) Loss due to any ordinance or law that you were required to comply with before the current loss.

(9) For any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

(10) Increased cost of compliance for appurtenant structure(s).

(11) For any structure insured under a Group Flood Insurance Policy issued pursuant to 44 CFR 61.17.

(12) Assessments made by a condominium association on individual condominium unit owners to pay increased costs of repairing commonly owned buildings after a flood in compliance with State or local floodplain management ordinances or laws.

Other Provisions

(1) Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the 80% insurance-to-value requirement for replacement cost coverage under Article 8 or for payment under Article 3.B.3 for loss from land subsidence, sewer backup, or seepage of water.

(2) All other conditions and provisions of the policy apply.

* * * * *

Appendix A(2)—[Amended]

4. Paragraph A.6. of Article 3 of Appendix A (2) is amended to add the following phrase at the end:

* * * * *

* * * except as provided in Coverage D—Increased Cost of Compliance.

* * * * *

5. A new section is added to Article 4 of Appendix A (2), to read as follows:

* * * * *

Coverage D—Increased Cost of Compliance Coverage

Increased Cost of Compliance coverage (Coverage D) is for the consequential loss brought on by a floodplain management ordinance or law affecting repair and reconstruction involving elevation, floodproofing, relocation, or demolition (or any combination thereof) of a structure, after a direct loss caused by a ''flood'' as defined by this policy. (Floodproofing activities eligible for Coverage D and referred to hereafter in this policy are limited to residential structures with basements that satisfy the criteria of 44 CFR 60.6 (b) or (c) and to non-residential structures.)

The limit of liability under this Coverage D (Increased Cost of Compliance) will not exceed $15,000. This coverage is only applicable to policies with building coverage (Coverage A) and is in addition to the Building limit you selected on your application, and appears on the Declarations Page. No separate deductible applies. The maximum amount collectible under this policy for both Coverage A (Building Property) and Coverage D (Increased Cost of Compliance), however, cannot exceed the maximum permitted under the Act.

Eligibility

A structure covered under Coverage A—Building Property—sustaining a loss caused by a ''flood'' as defined by this policy must:

1. Be a structure that is a repetitive loss structure. A ''repetitive loss structure'' means a structure, covered by a contract for flood insurance issued pursuant to the Act, that has incurred flood-related damage on 2 occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event. In addition to the current claim, the National Flood Insurance Program must have paid the previous qualifying claim, and the State or community must have a cumulative, substantial damage provision or repetitive loss provision in its flood plain management law or ordinance being enforced against the structure; or

2. Be a structure that has had flood damage in which the cost to repair equals or exceeds 50% of the market value of the structure at the time of the flood event. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.

This Coverage D will not pay for Increased Cost of Compliance to meet State or community floodplain management laws or ordinances which exceed the minimum criteria at 44 CFR 60.3, except as provided in 1. above or a. or b. as follows:

a. Elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood elevations are being increased, and a flood-damaged structure must comply with the higher advisory base flood elevation.) Increased Cost of Compliance coverage does not respond to situations in B, C, X, or D zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.

b. Elevation or floodproofing above the base flood elevation to meet State or local ''freeboard'' requirements, i.e., that a structure must be elevated above the base flood elevation.

Under the minimum NFIP criteria at 44 CFR 60.3(b)(4), States and communities must require the elevation or floodproofing of structures to the base flood elevation where elevation data are obtained from a Federal,

State, or other source. Such compliance activities are also eligible for this Coverage D.

This coverage will also pay for the incremental cost, after demolition, or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion (7).

This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

Conditions

(1) When a structure covered under Coverage A—Building Property—sustains a loss caused by a ''flood'' as defined by this policy, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, demolish, or any combination thereof, caused by enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building or a portion thereof caused by enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

(2) When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

Exclusions

Under this Coverage D (Increased Cost of Compliance), we will not pay for:

(1) The cost associated with enforcement of any floodplain management ordinance or law in communities participating in the Emergency Program.

(2) The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants. Pollutants include but are not limited to any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acid, alkalis, chemicals and waste. Waste includes but is not limited to materials to be recycled, reconditioned or reclaimed.

(3) The loss in value to any covered building or other structure due to the requirements of any ordinance or law.

(4) The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

(5) Any increased cost of compliance under this Coverage D:

(a) Until the covered building is actually elevated, floodproofed, demolished or relocated on the same or to another premises; and

(b) Unless the covered building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed two years.

(6) For any code upgrade requirements, e.g., plumbing or electrical wiring, not specifically related to the State or local floodplain management law or ordinance.

(7) For any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

(8) Loss due to any ordinance or law that you were required to comply with before the current loss.

(9) For any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

(10) For any structure insured under a Group Flood Insurance Policy issued pursuant to 44 CFR 61.17.

Other Provisions

(1) Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the 80% insurance-to-value requirement for payment under Article 3.B.3 for loss from land subsidence, sewer backup, or seepage of water.

(2) All other conditions and provisions of the policy apply.

* * * * *

Appendix A (3)—[Amended]

6. Paragraph A.6. of Article 3 of Appendix A (3) is amended to add to the end the following phrase:

* * * * *

* * * except as provided in Coverage D—Increased Cost of Compliance.

* * * * *

7. A new section is added to Article 4 of Appendix A (3), to read as follows:

* * * * *

Coverage D—Increased Cost of Compliance Coverage

Increased Cost of Compliance coverage (Coverage D) is for the consequential loss brought on by a floodplain management ordinance or law affecting repair and reconstruction involving elevation, floodproofing, relocation, or demolition (or any combination thereof) of a structure, after a direct loss caused by a ''flood'' as defined by this policy. (Floodproofing activities eligible for Coverage D and referred to hereafter in this policy are limited to residential structures with basements that satisfy the criteria of 44 CFR 60.6 (b) or (c) and to non-residential structures.)

The limit of liability under this Coverage D (Increased Cost of Compliance) will not exceed $15,000. This coverage is only applicable to policies with building coverage (Coverage A) and is in addition to the Building limit you selected on your application, and appears on the Declarations Page. No separate deductible applies. The maximum amount collectible under this policy for both Coverage A (Building Property) and Coverage D (Increased Cost of Compliance), however, cannot exceed the maximum permitted under the Act.

Eligibility

A structure covered under Coverage A—Building Property—sustaining a loss caused by a ''flood'' as defined by this policy must:

1. Be a structure that is a repetitive loss structure. A ''repetitive loss structure'' means a structure, covered by a contract for flood insurance issued pursuant to the Act, that has incurred flood-related damage on 2 occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event. In addition to the current claim, the National Flood Insurance Program must have paid the previous qualifying claim, and the State or community must have a cumulative, substantial damage provision or repetitive loss provision in its flood plain management law or ordinance being enforced against the structure; or

2. Be a structure that has had flood damage in which the cost to repair equals or exceeds 50% of the market value of the structure at the time of the flood event. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.

This Coverage D will not pay for Increased Cost of Compliance to meet State or community floodplain management laws or ordinances which exceed the minimum criteria at 44 CFR 60.3, except as provided in 1. above or a. or b. as follows:

a. Elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood elevations are being increased, and a flood-damaged structure must comply with the higher advisory base flood elevation.) Increased Cost of Compliance coverage does not respond to situations in B, C, X, or D zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.

b. Elevation or floodproofing above the base flood elevation to meet State or local ''freeboard'' requirements, i.e., that a structure must be elevated above the base flood elevation.

Under the minimum NFIP criteria at 44 CFR 60.3(b)(4), States and communities must require the elevation or floodproofing of structures to the base flood elevation where elevation data are obtained from a Federal, State, or other source. Such compliance activities are also eligible for this Coverage D.

This coverage will also pay for the incremental cost, after demolition, or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion (7).

This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

Conditions

(1) When a structure covered under Coverage A—Building Property—sustains a loss caused by a ''flood'' as defined by this policy, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, demolish, or any combination thereof, caused by enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building or a portion thereof caused by enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

(2) When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

Exclusions

Under this Coverage D (Increased Cost of Compliance), we will not pay for:

(1) The cost associated with enforcement of any floodplain management ordinance or law in communities participating in the Emergency Program.

(2) The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants. Pollutants include but are not limited to any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acid, alkalis, chemicals and waste. Waste includes but is not limited to materials to be recycled, reconditioned or reclaimed.

(3) The loss in value to any covered building or other structure due to the requirements of any ordinance or law.

(4) The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

(5) Any increased cost of compliance under this Coverage D:

(a) Until the covered building is actually elevated, floodproofed, demolished or relocated on the same or to another premises; and

(b) Unless the covered building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed two years.

(6) For any code upgrade requirements, e.g., plumbing or electrical wiring, not specifically related to the State or local floodplain management law or ordinance.

(7) For any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

(8) Loss due to any ordinance or law that you were required to comply with before the current loss.

(9) For any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

(10) For any structure insured under a Group Flood Insurance Policy issued pursuant to 44 CFR 61.17.

Other Provisions

(1) Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the 80% replacement cost requirement under Article 9 or for payment under Article 3.B.3 for loss from land subsidence, sewer backup, or seepage of water.

(2) All other conditions and provisions of the policy apply.

* * * * *

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: February 18, 1997.

Spence W. Perry,

Executive Administrator, Federal Insurance Administration.

[FR Doc. 97–4640 Filed 2–24–97; 8:45 am]

BILLING CODE 6718–03–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 96–467]

Commission Organization; Cable Services Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Order, we amend the Commission's rules regarding the functions of the Cable Services Bureau and the delegated authority of the Chief of the Cable Services Bureau. This action is necessary to permit the Cable Services Bureau to oversee pole attachment matters and administration and enforcement of relevant provisions of the Telecommunications Act of 1996.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: For additional information concerning this rulemaking contact Meryl S. Icove, Cable Services Bureau, (202) 418–7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Order, FCC 96–467, adopted December 3, 1996 and released December 5, 1996. The complete text of this Order 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 copy contractor, International Transcription Services, Inc. (''ITS Inc.'') at (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20017.

Synopsis of Order

In this Order, we amend the Commission's rules regarding the functions of the Cable Services Bureau and the delegated authority of the Chief of the Cable Services Bureau.

This action is necessary to permit the Cable Services Bureau to oversee pole attachment matters and administration and enforcement of relevant provisions of the Telecommunications Act of 1996. The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the requirements of notice and comment rulemaking contained in 5 U.S.C. 553(b) and the effective date provisions of 5 U.S.C. 553(d) of the Administrative Procedure Act do not apply. Authority for the amendments adopted herein is contained in section 4(i), 5(c)(1), 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(c)(1), 303(r).

It is ordered that §§ 0.91, 0.101 and 0.321 of the Commission's rules, 47 CFR 0.91, 0.101, 0.321 are amended as set forth below, effective February 25, 1997.

Lists of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.91 is amended by revising the introductory text, removing

paragraph (h) and redesignating paragraphs (i) through (k) as paragraphs (h) through (j) to read as follows:

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers policies and programs for the regulation of services, facilities and practices of entities which furnish interstate communications service or interstate access service for hire—whether by wire, radio or cable—and of ancillary operations related to the provision of such services (excluding public coast stations in the maritime mobile services and multi-point and multi-channel multi-point distribution services and excluding matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau also develops, recommends, and administers policies and programs for the regulation of rates, terms and conditions under which communications entities furnish interstate communications service, interstate access service, and (in cooperation with the International Bureau) foreign communications service for hire—whether by wire, cable or satellite. The Bureau also performs the following functions:

* * * * *

3. Section 0.101 is revised to read as follows:

§ 0.101 Functions of the Bureau.

The Cable Services Bureau develops, recommends and administers policies and programs with respect to the regulation of services, facilities, rates and practices of cable television systems and with respect to the creation of competition to cable systems, and with respect to video programming services provided by other multichannel video programming distributors and multichannel video programmers. The Cable Services Bureau advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of cable television and other multichannel video programming services. The Bureau also performs the following functions:

(a) Administers and enforces rules and policies regarding:

(1) Cable television systems, operators, and services, including those relating to rates, technical standards, customer service, ownership, competition to cable systems, broadcast station signal retransmission and carriage, program access, wiring equipment, channel leasing, and federal-state/local regulatory relationships. This includes: acting, after Commission assumption of jurisdiction to regulate cable television rates for basic service and associated equipment, on cable operator requests for approval of existing or increased rates; reviewing appeals of local franchising authorities' rate making decisions involving rates for the basic service tier and associated equipment, except when such appeals raise novel or unusual issues; acting upon complaints involving cable programming service rates except for final action on complaints raising novel or unusual issues; evaluating basic rate regulation certification requests filed by cable system franchising authorities; periodically reviewing and, when appropriate, revising standard forms used in administering: the Commission's complaint process regarding cable programming service rates; the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission;

(2) Access to poles, ducts, conduits and rights-of-way and the rates, terms and conditions for pole attachments, when such attachments are not regulated by a state and not provided by railroads or governmentally or cooperatively owned utilities, and complaints involving access to or rates, terms and conditions arising from pole attachments, except for final action on complaints raising novel or unusual issues;

(3) Open video systems;

(4) Preemption of restrictions on devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and direct broadcast satellite services;

(5) The commercial availability of navigational devices;

(6) The accessibility of video programming to persons with disabilities; and

(7) Scrambling of sexually explicit adult video programming by multichannel video programming distributors.

(b) Plans and develops proposed rulemakings and conducts studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(c) Conducts studies and compiles data relating to multichannel video programming services necessary for the Commission to develop and maintain an adequate regulatory program.

(d) Advises and assists the public, other government agencies and industry groups.

(e) Administers financial and other reporting systems.

(f) Investigates complaints and answers general inquiries from the public.

(g) Participates in hearings before the Administrative Law Judges and the Commission.

(h) Processes applications for authorizations in the Cable Television Relay Service.

(i) Processes and acts on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, requests for certification, objections, complaints, and requests for declaratory rulings and stays regarding the areas listed above, that do not involve novel questions of fact, law or policy that cannot be resolved under existing precedents and guidelines.

(j) Periodically reviews and, when appropriate, revises standard forms related to the areas listed above.

(k) Exercises authority to issue non-hearing related subpoenas for the attendance of witnesses and the production of books, papers, correspondence, memoranda, schedule of charges, contracts, agreements, and any other records deemed relevant to the investigation of the Cable Services Bureau. Before issuing a subpoena, the Cable Services Bureau shall obtain the approval of the Office of General Counsel.

(l) Carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.321.

4. Section 0.321 is revised to read as follows:

§ 0.321 Authority delegated.

The Chief, Cable Services Bureau is delegated authority to perform all functions of the Bureau, described in § 0.101, subject to the following exceptions and limitations:

(a) Designate for hearing any formal complaints that present novel questions of fact, law or policy that cannot be resolved under existing precedents for guidelines;

(b) Impose, reduce, or cancel forfeitures pursuant to section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $20,000;

(c) Act upon any applications for review of actions taken by the Chief, Cable Services Bureau pursuant to any delegated authority which comply with § 1.115 of this chapter;

(d) Issue notices of proposed rulemaking, notices of inquiry or to issue report and orders arising from either of the foregoing, except that the Chief, Cable Services Bureau shall have authority to issue notices of rulemaking and report and orders redesignating market areas in accordance with section 614(f) of the Communications Act of 1934, as amended; and

(e) Act on any applications in the Cable Television Relay Service that present novel questions of fact, law, or policy that cannot be resolved under existing precedents and guidelines.

[FR Doc. 97–4566 Filed 2–24–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket No. PS–151; Amdt. 193–13]

RIN 2137–AC 91

Liquefied Natural Gas Regulations—Miscellaneous Amendments

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Direct final rule.

SUMMARY: This direct final rule updates the Liquefied Natural Gas (LNG) regulations by replacing the current ''Flammable vapor-gas dispersion protection'' method with a method based on the ''dense gas dispersion (DEGADIS)'' model, and replacing the current ''Thermal Radiation Protection'' method with a method based on the ''LNGFIRE'' program model. In addition, this final rule incorporates safety requirements for mobile and temporary LNG facilities by referring to the National Fire Protection Association (NFPA) Standard 59A (1996 edition)—Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG).

DATES: This direct final rule takes effect June 25, 1997 unless RSPA receives adverse comments or notice of intent to file adverse comment by April 28, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 25, 1997. If RSPA does not receive any adverse comment or notice of intent to file an adverse comment by April 28, 1997 the rule will become effective on the date specified. RSPA will issue a subsequent notice in the Federal Register by May 27, 1997 after the close of the comment period to confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the Federal Register to confirm that fact and RSPA would withdraw the direct final rule in whole or in part. RSPA may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking.

ADDRESSES: Written comments must be submitted in duplicate and mailed or hand-delivered to the Dockets Unit, room 8421, U.S. Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant entrance at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366–4571, regarding the subject matter of this document, or the Dockets Unit (202) 366–4453, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

Section 193.2019 Mobile and Temporary LNG Facilities

RSPA is amending 49 CFR Part 193 by adding a section 193.2019 on mobile and temporary LNG facilities. Mobile and temporary LNG facilities have a good safety record and their use has become quite common. However, Part 193 currently does not contain requirements for such temporary operations and many temporary operations cannot meet some of the Part 193 requirements. In those cases, operations have been authorized through waivers issued by the relevant states, and approved by RSPA, for mobile and temporary facilities for peakshaving applications, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications. In acting on waiver requests, RSPA reviews justification for not complying with Part 193 and requires alternative safety provisions to maintain public safety. There has been no adverse impact on safety as a result of the waiver process and RSPA anticipates an equivalent level of safety following implementation of this direct final rule. The safety guidelines and the restrictions for LNG mobile facilities in section 2–3.4 of the NFPA 59A (1996 edition) provide an adequate level of assurance of public safety. The safety guidelines are identical to those required as conditions for waiver. Thus, we do not see any necessity for issuing a proposed rule. Therefore, RSPA is incorporating by reference NFPA 59A section 2–3.4 for mobile and temporary LNG facilities in this direct final rule. Operators will no longer need a waiver from Part 193 requirements for mobile facilities if they comply with section 2–3.4 of NFPA 59A. This will reduce the burden on the industry and state and federal governments without compromising safety.

Section 193.2057 Thermal Radiation Protection

RSPA is amending Section 193.2057, ''Thermal radiation protection'', by deleting the method prescribed and replacing it with a method based on the ''LNGFIRE'' program model developed by the Gas Research Institute (GRI). RSPA is amending this section in response to an American Gas Association (AGA) petition dated October 14, 1992.

According to the AGA petition, the current method is a simple geometrical method with assumptions of flame radiant properties for computing the radiation from burning vapor above a concentric pool. Flame radiant properties were rationalized to provide results that agree with early experimental results for the lowest level of radiant exposures. The current method also assumes an idealized tilted cylindrical flame. Experimental data shows that the current method underestimates exclusion distances for large pool fires, such as those that could occur in a tank dike, and overestimates exclusion distances for small and high ratio length-to-width rectangular fires that could occur in pipe impoundments.

AGA states that since 1982 GRI has funded a series of research projects dealing with LNG pool fire radiation. This research has culminated in a model which more accurately reflects experimental data. The research has also produced a personal computer based program called ''LNGFIRE.'' This computer model has numerous advantages over the current method, including the ability to account for a wide variety of containments. The resulting computer program is easy to use and is in the public domain. The results of the model and the ''LNGFIRE'' program correlate very well with experimental results from the numerous

pool fire tests conducted during the last 15 years.

AGA further explains that the ''LNGFIRE'' program and model effectively take into account wind speed, relative humidity and asymmetrical pool configuration. One unique feature in the ''LNGFIRE'' program model is the effect called wind drag. This is the tendency of the wind to move the base of the flame down-wind from the pool. The ''LNGFIRE'' program also calculates the heat output of the fire based on the heating value, density and boiling temperature of the LNG. Although average default properties are included in the program, the properties of unusually heavy or light LNG can be substituted to reflect the product used at a particular facility.

RSPA agrees with the AGA's rationale and is replacing the current thermal radiation protection method with the method based on the ''LNGFIRE'' program model.

Section 193.2059 Flammable Vapor-Gas Dispersion Protection

RSPA is amending section 193.2059, ''Flammable vapor-gas dispersion protection,'' by deleting the prescribed method based on the mathematical model in Appendix B of the AGA's 1974 report, ''Evaluation of LNG Vapor Control Methods,'' also referred to as the Gaussian Line Source (GLS) model, and replacing it with the ''DEGADIS'' dense gas dispersion model. RSPA is amending this section in response to the American Gas Association (AGA) petition dated October 14, 1992.

According to the AGA petition, the dispersion models available at the time the current federal regulation was issued were limited. Based on the limited vapor dispersion data available in 1980, DOT provided for use of the GLS dispersion model as the method for calculating LNG vapor-gas dispersion siting standards. The GLS dispersion model does not account for important LNG vapor dispersion phenomena, including gravity spreading, negative or positive buoyancy effects on air entrainment, surface-to-cloud heat transfer, or phase change energy effects associated with air humidity.

AGA states that under GRI sponsorship beginning in 1982, extensive vapor dispersion experimental and analytical work has been conducted. The DEGADIS dispersion model, developed for GRI and the U.S. Coast Guard and recently modified (to allow application to elevated jet releases) for the U.S. Environmental Protection Agency (EPA), accounts for effects described above and can be run on a personal computer.

AGA further explains that the DEGADIS model has been shown to be consistent with a wide range of laboratory and field test data for dense gas releases on a flat surface with dispersion over unobstructed flat terrain. Comparison of DEGADIS model predictions with data obtained from pertinent vapor dispersion field tests has been reviewed. To provide direct comparison with the GLS model prescribed in 49 CFR 193.2059, the maximum predicted distance to 2.5% methane concentration was determined for 324 LNG release scenarios with the DEGADIS and GLS models. DEGADIS generally predicted the longer distances to the 2.5% methane concentration level than the GLS model for ''B'' atmospheric stability and shorter distances than the GLS model for ''F'' stability.

AGA states that the recommendation for specification of a surface roughness factor of 3 cm in DEGADIS presumes the terrain upwind of the LNG release to be covered with short (order 10 cm) grass. The value of this surface roughness factor is recommended for normal usage to provide consistency with the implicit assignment of 3 cm surface roughness factor in the application of the Guassian model currently prescribed.

The theoretical and experimental basis for the DEGADIS model are fully reviewed in GRI Report No. 89/0242 and its applicability to LNG vapor dispersion prediction has been considered.

The results given in the GRI report indicate that the DEGADIS model is superior both in dispersion phenomena and performance to the GLS model promulgated in 49 CFR 193.2059 for LNG vapor dispersion simulation. Availability in IBM–PC formats provides for wide use of the DEGADIS model. The DEGADIS model has been accepted and used by federal agencies such as the Federal Emergency Management Administration (FEMA), the National Oceanic and Atmospheric Administration (NOAA), EPA, and the U.S. Coast Guard for dense gas vapor dispersion analysis. It has also been incorporated in the ALOHA (Area Location of Hazardous Atmospheres) model. ALOHA is designed for on-site use at accidental releases for emergency response planning purposes. The South Coast Air Quality Management District of California has also accepted the use of the DEGADIS model.

Since the DEGADIS model is in the public domain, is recognized by other federal and state agencies, and provides significantly more realistic determination of vapor exclusion distances than the GLS model currently in 49 CFR 193.2059, RSPA is adopting the DEGADIS model.

Rulemaking Analysis and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rule is not considered to be a significant regulatory action under section 3(f) of Executive Order 12866, and is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This rule amends LNG regulations to include requirements for mobile and temporary facilities. This rule replaces the current method prescribed for ''Thermal Radiation Protection'' with the ''LNGFIRE'' program model. In addition, this rule replaces the current method prescribed for ''Flammable vapor-gas dispersion protection'' with the ''DEGADIS'' dense gas dispersion model. This is consistent with the President's goal of regulatory reinvention and improvement of customer service to the American people. There is no additional cost to comply with this rule. These changes do not warrant preparation of a Regulatory Evaluation.

Executive Order 12612

This action has been analyzed under the criteria of Executive Order 12612 (52 FR 41685; October 30,1987) and does not have sufficient federalism impacts to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

Based on the facts available concerning the impact of this rule, I certify under section 606 of the Regulatory Flexibility Act that it does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This rule does not modify the paperwork burden that LNG operators already have. Therefore, a paperwork evaluation is unnecessary.

List of Subjects in 49 CFR Part 193

Fire prevention, Incorporation by reference, Pipeline safety, Reporting and recordkeeping requirements, Security measures.

In consideration of the foregoing, RSPA amends Part 193 of title 49 of the Code of Federal Regulations as follows:

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60103, 60104, 60108, 60109, 60111, 60112, 60118; and 49 CFR 1.53.

2. Part 193 is amended by adding § 193.2019 to subpart A to read as follows:

§ 193.2019 Mobile and temporary LNG facilities.

Mobile and temporary LNG facilities for peakshaving application, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications need not meet the requirements of this part if the facilities are in compliance with section 2–3.4 of NFPA 59A (1996 edition).

3. Section 193.2057 is amended by revising paragraphs (b) and (c)(1) to read as follows:

§ 193.2057 Thermal radiation protection.

* * * * *

(b) *Measurement.* The exclusion distance ''d'' is the horizontal distance measured from the impoundment area to the target where the following apply:

(1) The maximum calculated exclusion distance for each thermal flux level shall be used for that exposure (offsite target) in paragraph (d) of this section.

(2) The wind speed producing the maximum exclusion distances shall be used except for wind speeds that occur less than 5 percent of the time based on recorded data for the area.

(3) The ambient temperature and relative humidity that produce the maximum exclusion distance shall be used except that values that occur less than 5 percent of the time based on recorded data for the area shall not be used.

(4) Properties of LNG with the highest anticipated heating value shall be used.

(5) The height of the flame base should be that of any dike or containment in relation to the horizontal reference plane. The height of the target shall be in relation to the same reference plane.

(c) * * *

(1) The method of calculating the exclusion distances for levels of radiant exposure listed in paragraph (d) of this section shall be the method described in Gas Research Institute report GRI–89/0176 and also available as the ''LNGFIRE'' computer program from GRI.

* * * * *

4. The ''Impoundment & Topography Elevation Profile'' diagram following § 193.2057(b) of this section is removed.

5. Section 193.2059 is amended by revising paragraphs (c) introductory text and (d)(1)(ii) and adding paragraph (c)(4), to read as follows:

§ 193.2059 Flammable vapor-gas dispersion protection.

* * * * *

(c) *Computing dispersion distance.* A minimum dispersion distance must be computed for the impounding system. If grading and drainage are used under § 193.2149(b), operators must comply with the requirements of this section by assuming the space needed for drainage and collection of spilled liquid in an impounding system. Dispersion distances must be determined in accordance with the following dispersion parameters, using the ''DEGADIS'' model described in Gas Research Institute report No. GRI 89/0242 titled ''LNG Vapor Dispersion Predication with the DEGADIS Dense Gas Dispersion Model'', or a model for vapor dispersion which meets the requirements of § 193.2057(c)(2)(ii) through (iv):

* * * * *

(4) A surface roughness factor of 3 cm shall be used. Higher values for the roughness factor may be used if it can be shown that the terrain both upwind and downwind of the vapor cloud has dense vegetation and that the vapor cloud height is more than ten times the height of the obstacles encountered by the vapor cloud.

(d) * * *

(1) * * *

(ii) In determining variations in the vaporization rate due to surface contact, the time necessary to wet 100 percent of the impounding floor area shall be determined by equation C–9 in the 1974 AGA report titled ''Evaluation of LNG Vapor Control Methods,'' or by using an equivalent personal computer program based on equation C–9 or by an alternative model which meets the requirements of § 193.2057(c)(2)(ii) through (iv).

* * * * *

6. Appendix A to Part 193 is amended in subsection I. by revising the entries E., F., G., and H. and adding an entry I., and amended in subsection II. by redesignating entries F. and G. as entries G. and H. and adding a new entry F. to read as follows:

Appendix A to Part 193—Incorporation by Reference

I. List of Organizations and Addresses

* * * * *

E. American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, NY 10017–2398.

F. American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

G. Gas Research Institute (GRI), 8600 West Bryn Mawr Ave, Chicago, IL 60631.

H. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.

I. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O.Box 9101, Quincy, MA 02269–9101.

II. Documents Incorporated by Reference. (Numbers in Parentheses Indicate Applicable Editions)

* * * * *

F. Gas Research Institute (GRI):

1. GRI–89/0176 ''LNGFIRE: A Thermal Radiation Model for LNG Fires'' (June 29, 1990).

2. GRI–89/0242 ''LNG Vapor Dispersion Prediction with the DEGADIS Dense Gas Dispersion Model'' (April 1988–July 1990).

* * * * *

Issued in Washington, D.C. on January 23, 1997.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97–4614 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970211028–7028–01; I.D. 012397A]

RIN 0648–AJ34

Fisheries of the Northeastern United States; Framework 21 to the Northeast Multispecies Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 21 to the Northeast Multispecies Fishery Management Plan (FMP). These regulations allow vessels with general category scallop permits or limited access permits, if not fishing under a days-at-sea (DAS) limitation, to fish for scallops with small dredges (combined width not to exceed (10.5 ft (3.2 m)) within the Gulf of Maine Small Mesh Northern Shrimp Fishery Exemption Area. The intent of this action is to allow small scallop dredge vessels to harvest scallops in a manner that is consistent with the bycatch reduction objectives of the FMP.

EFFECTIVE DATE: February 20, 1997.

ADDRESSES: Copies of Amendment 7 to the FMP (Amendment 7), its regulatory impact review and the initial regulatory flexibility analysis, its final supplemental environmental impact statement (FSEIS), and the supporting

documents for Framework Adjustment 21 are available from Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906–1097.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 508–281–9273.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing Amendment 7 became effective on July 1, 1996 (61 FR 27710, May 31, 1996). The amendment prohibited all fishing in the Gulf of Maine small mesh exemption area unless the vessel was fishing under a multispecies or scallop DAS allocation, or with exempted gear, or under the handgear permit restrictions, or in an exempted fishery (a fishery in which it has been determined to have less than 5 percent bycatch of regulated species). Amendment 7, in effect, eliminated fisheries that were determined to be inconsistent with the bycatch reduction goal of the FMP. One of the fisheries eliminated was the General Permit Category, small dredge scallop fishery in the Gulf of Maine (GOM).

Framework Adjustment 21 provides an exemption from the multispecies regulations to allow the conduct of a small dredge (combined width not to exceed 10.5 ft (3.2 m)) sea scallop fishery for General Category scallop permit holders and for limited access scallop vessels when not fishing under a DAS. This exemption is implemented year-round in the Gulf of Maine Small Mesh Exemption Area, except in the Mid-Coast Closure Area, because of high aggregations of cod in that area. Vessels fishing in this exemption program are further prohibited from landing or possessing any species other than Atlantic sea scallops.

This framework adjustment is consistent with the bycatch reduction goal of the FMP, based on the following information. Reports from at-sea observation by state biologists from Maine and Massachusetts indicate minimal or no bycatch from the small dredge scallop fishery. NMFS weighout records of interviewed trips from the GOM during 1988–93 indicate the average bycatch of regulated species was 1.5 percent over the 6-year period. NMFS vessel trip reports from 1994 and 1995 also show minimal amounts of bycatch from this fishery. Based on available information, the New England Fishery Management Council (Council) has concluded, and NMFS agrees, that the bycatch of regulated species by small scallop dredges in the GOM Small Mesh Exemption Area is less than 5 percent by weight of total catch and does not jeopardize fishing mortality objectives or other goals and objectives of the FMP. The States of Maine and Massachusetts have offered observer coverage during the initial implementation of this framework adjustment to assure that the bycatch of regulated species is within the 5 percent level.

The Council recommended publication of this management measure as a final rule after considering the required factors stipulated under the framework measures in the FMP, 50 CFR 648.90, and has provided supporting analyses for each factor considered. The Administrator, Northeast Region, NMFS, concurs with the Council's recommendation and has determined that Framework Adjustment 21 should be published as a final rule.

NMFS is amending the multispecies regulations following the procedure for framework adjustments established by Amendment 7 and codified in 50 CFR part 648. The Council developed and analyzed the actions at two Council meetings held on October 2–3 (61 FR 50796, September 27, 1996) and November 6–7, 1996 (61 FR 56213, October 31, 1996).

Comments and Responses

The October 2–3, 1996, Council meeting was the first of two meetings that provided an opportunity for public comment on Framework Adjustment 21. A draft document containing the proposed management measures and their rationale was available to the public during the last week in September 1996, and notices of the initial and final Council meetings were mailed to approximately 1,900 people and published in the Federal Register. The final public hearing was held on November 6–7, 1996. Testimony provided by industry members at the public meetings favored the framework adjustment. No other comments were received.

Classification

This final rule has been determined to be not significant for the purposes of E.O. 12866.

NMFS reinitiated consultation on the Northeast Multispecies, Atlantic Sea Scallop and American Lobster FMPs, and this action was considered as part of this comprehensive consultation. The consultation considered new information concerning the status of the northern right whale. As a result of the consultation, NMFS has determined that: (1) The fishing activities carried out under the Multispecies and Lobster FMPs are likely to jeopardize the continued existence of the northern right whale; (2) the prosecution of the multispecies, lobster, and scallop fisheries will not adversely modify right whale critical habitat; (3) that the current fishing practices allowed under the Lobster FMP and the Multispecies FMP may affect but are not likely to jeopardize the continued existence of the harbor porpoise and the distinct population segment of Atlantic salmon stocks found in certain Maine rivers that are both currently proposed to be listed as threatened; and (4) no new information has become available that changes the basis for previous determinations that the scallop FMP and prosecution of the scallop fishery, which is provided additional fishing opportunity as a result of this action, is not likely to adversely affect endangered, threatened, and proposed species or adversely modify critical habitat. The new information provided above does not change the basis for the conclusions of the 1996 Biological Opinion that the fishing activities carried out under the Lobster and Multispecies FMPs may affect, but are not likely to jeopardize, the continued existence of the other endangered and threatened whale and sea turtle species under NMFS jurisdiction.

The Assistant Administrator for Fisheries, NOAA (AA), under 5 U.S.C. 553(b)(B), finds that there is good cause to waive the requirement to provide prior notice and opportunity for public comment as such procedures are unnecessary. Public meetings held by the Council to discuss the management measure implemented by this rule provided adequate prior notice and opportunity for public comment to be heard and considered. Further, NMFS is responding in this rule to the comments it received during these meetings. This rule removes a prohibition on fishing applied to certain gear types in certain areas, thereby relieving a restriction. As such, under 5 U.S.C. 553(d)(1), this rule is not subject to the 30-day delay in effectiveness.

Because a general notice of proposed rulemaking is not required to be published for this rule by 5 U.S.C. 553 or by any other law, this rule is exempt from the requirement to prepare an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act. As such, none has been prepared. The primary intent for this action is to allow small scallop dredges to harvest scallops in amounts that are consistent with the bycatch reduction objectives of the FMP.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 19, 1997.

Rolland A. Schmitten

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended to read as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.80, paragraph (a)(2)(iii) is revised and paragraph (a)(10) is added to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing

* * * * *

(a) * * *

(2) * * *

(iii) *Other gear and mesh exemptions.* The minimum mesh size for any trawl net, sink gillnet, Scottish seine, midwater trawl, or purse seine on a vessel or used by a vessel when fishing in the GOM/GB Regulated Mesh Area while not under the NE multispecies DAS program, but when under one of the exemptions specified in paragraphs (a)(3), (a)(4), (a)(6), (a)(8), (a)(9), (d), (e), (h), and (i) of this section, is set forth in the respective paragraph specifying the exemption. Vessels that are not fishing under one of these exemptions, or under the small dredge exemption specified in § 648.54 and (a)(10) of this section, under the scallop state waters exemption specified in § 648.54, or under a NE multispecies DAS, are prohibited from fishing in the GOM/GB regulated mesh area.

* * * * *

(10) *Scallop Dredge Fishery Exemption within the Gulf of Maine (GOM) Small Mesh Northern Shrimp Fishery Exemption Area.* Vessels with a limited access scallop permit that have declared out of the DAS program as specified in § 648.10, or have used up their DAS allocations, and vessels issued a general scallop permit may fish in the GOM Small Mesh Northern Shrimp Fishery Exemption Area when not under a NE multispecies DAS providing the vessel complies with the requirements specified in paragraph (a)(10)(i) of this section. The GOM Scallop Dredge Fishery Exemption Area is equivalent to the area defined in paragraph (a)(3) of this section and designated as the Small Mesh Northern Shrimp Fishery Exemption Area.

(i) *Requirements.* (A) A vessel fishing in the GOM Scallop Dredge Fishery Exemption Area specified in paragraph (a)(10) of this section, may not fish for, possess on board, or land any species of fish other than Atlantic sea scallops.

(B) The combined dredge width in use by or in possession on board vessels fishing in the GOM Scallop Dredge Fishery Exemption Area shall not exceed 10.5 ft (3.2 m) measured at the widest point in the bail of the dredge.

(C) The exemption does not apply to areas closed to meet the Mid-coast closure fishery mortality reduction targets as specified in § 648.81(g).

(ii) [Reserved]

* * * * *

[FR Doc. 97–4590 Filed 2–20–97; 2:27 pm]

BILLING CODE 3510–22–F

---

50 CFR Part 679

[Docket No. 960502124–6190–02; I.D. 021997E]

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Registration Area D

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the scallop fishery in all districts of Scallop Registration Area D (Yakutat) other than District 16. This action is necessary to prevent exceeding the scallop 1997 total allowable catch (TAC) in this area.

EFFECTIVE DATES: 1200 hrs, Alaska local time (A.l.t.), February 20, 1997, until 2400 hrs, A.l.t., June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery Off Alaska (FMP), which was prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing for scallops is governed by regulations appearing at subpart F of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.62(b), the 1997 scallop TAC for all districts of Scallop Registration Area D, other than District 16, was established by the Final 1996 Harvest Specifications of Scallops (61 FR 38099, July 23, 1996) as 250,000 lb (113,430 kg) shucked meat.

In accordance with § 679.62(c), the Administrator, Alaska Region, NMFS, has determined that the scallop TAC for all districts of Scallop Registration Area D, other than District 16, has been reached. Consequently, NMFS is prohibiting the taking and retention of scallops in all districts of Scallop Registration Area D, other than District 16.

Classification

This action is required by § 679.62 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–4586 Filed 2–20–97; 2:28 pm]

BILLING CODE 3510–22–F

---

50 CFR Part 679

[Docket No. 961107312–7021–02; I.D. 021997A]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Bering Sea Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to prevent exceeding the first seasonal allowance of the pollock total allowable catch (TAC) apportioned to vessels harvesting pollock for processing by the offshore component in the BS.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), February 20 1997, until 1200 hrs, A.l.t., April 15, 1997.

FOR FURTHER INFORMATION CONTACT: David Ham, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and CFR part 679.

In accordance with § 679.20(c)(3)(iii), the first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS was established by the Final 1997 Harvest Specifications of Groundfish. The Final 1997 Specifications were published in the Federal Register on February 18, 1997 (62 FR 7168).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first allowance of pollock TAC for vessels catching pollock for processing by the offshore component in the BS soon will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 278,736 mt, and is setting aside the remaining 27,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the BS. This closure is effective from February 20, 1997, through 1200 hrs, A.l.t., April 15, 1997. Under § 679.20(a)(5)(i), the second seasonal allowance of pollock TAC will become available for directed fishing at 1200 hrs, A.l.t., September 1. Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

This action is required by § 679.20, and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1997.

Gary Matlock

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–4589 Filed 2–20–97; 2:27 pm]

BILLING CODE 3510–22–F

---

50 CFR Part 679

[Docket No. 961107312–7021–02; I.D. 021997C]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal apportionment of the 1997 Pacific halibut bycatch allowance of halibut specified for the trawl rock sole/flathead sole/''other flatfish'' fishery category.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), February 20, 1997, until 1200 hrs, A.l.t., April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The first seasonal apportionment of the prohibited species bycatch mortality allowance of halibut for the BSAI trawl rock sole/flathead sole/''other flatfish'' fishery category, which is defined at § 679.21(e)(3)(iv)(B)(*2*), was established by the Final 1997 Harvest Specifications of Groundfish (62 FR 7168, February 18, 1997) as 485 mt.

In accordance with § 679.21(e)(7)(iv), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal apportionment of the 1997 halibut bycatch allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery in the BSAI has been caught. Consequently, NMFS is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e).

Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1997.

Gary Matlock

Director, Office of Sustainable Fisheries, National Marine Fisheries Serivce.

[FR Doc. 97–4588 Filed 2–20–97; 2:28 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 37
Tuesday, February 25, 1997

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–94–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 and Model A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that would have required repetitive inspections to verify proper installation of the plain bushings of the upper and lower connection links on the forward and aft passenger/crew doors, and correction of discrepancies. That AD also would have required replacement of the shouldered bushing on the locking mechanism with a new oversized bushing, which would have terminated the repetitive inspection requirements. That proposal was prompted by a report that, during an emergency evacuation of in-service airplanes, the left aft passenger/crew door jammed against the fuselage structure in a nearly closed position due to bushing migration. This action revises the proposed rule by expanding the applicability of the proposed rule to include additional airplanes; and adding new repetitive inspections and a terminating modification for those new airplanes. The actions specified by this proposed AD are intended to prevent jamming of the passenger/crew door, which could delay or impede the evacuation of passengers during an emergency.

DATES: Comments must be received by March 17, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–94–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1100.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–94–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–94–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Airbus Model A320 and Model A320 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on August 30, 1994 (59 FR 44670). That NPRM would have required repetitive detailed visual inspections to verify proper installation of the plain bushings of the upper and lower connection links on the forward and aft passenger/crew doors, and correction of discrepancies. That NPRM also would have required replacement of the shouldered bushing on the locking mechanism with a new oversized bushing, which would have terminated the repetitive inspection requirements. That NPRM was prompted by a report that, during an emergency evacuation of in-service airplanes, the left aft passenger/crew door jammed against the fuselage structure in a nearly closed position due to bushing migration. That condition, if not corrected, could delay or impede the evacuation of passengers during an emergency.

Actions Prompting This Supplemental Proposal

Several commenters who responded to the original notice pointed out that the applicability of the proposed AD should be revised to include Airbus Model A320 and Model A321 series airplanes, on which Airbus Modification 22422 (reference Airbus Service Bulletin A320–52–1027) was installed during production. The unsafe condition (i.e., bushing migration) addressed by the proposal has also occurred on these airplanes, and Airbus has issued service information that contains new procedures for addressing the unsafe condition on these airplanes.

Explanation of New Relevant Service Information

Since issuance of the NPRM, Airbus has issued All Operators Telex (AOT)

52–07, dated July 28, 1994, and Service Bulletin A320–52–1066, dated March 6, 1995. These service documents describe procedures for performing repetitive detailed visual inspections to verify proper installation of the plain bushings of the upper and lower connection links.

Airbus also has issued Service Bulletin A320–52–1064, Revision 1, dated September 8, 1995, which describes procedures for modification of the frame segment bushings. The modification involves replacing the plain bushing with a shouldered bushing on the frame used for attachment of the connection links. Accomplishment of the modification would eliminate the need for the repetitive detailed visual inspections.

The effectivity listing of these service documents includes certain additional Airbus Model A320 and Model A321 series airplanes that are subject to the unsafe condition. (These airplanes were not identified in the applicability of the original NPRM.)

The Direction Générale de l'Aviation Civile (DGAC), which the airworthiness authority for France, classified these service documents as mandatory and issued French airworthiness directive 95–004–062(B)R1, dated May 10, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Action

In light of this new information, the FAA has revised the applicability of the proposal to include the additional airplanes listed in the new Airbus service documents. For these additional airplanes, the FAA also has revised the proposal to include new requirements for accomplishing the procedures specified in those service bulletins. The actions that were proposed in the originally-issued NPRM for the other affected airplanes are retained in this supplemental NPRM.

In addition, the FAA has increased the labor rate used in the cost impact calculations, below, from $55 per work hour to $60 per work hour. The $60 figure more accurately represents the current labor rate in the aviation industry.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

The FAA estimates that 94 Airbus Model A320 and Model A321 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 6 work hours per airplane to accomplish the proposed detailed visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the modification proposed AD on U.S. operators is estimated to be $33,840, or $360 per airplane, per inspection cycle.

For certain airplanes, it would take approximately 72 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification proposed AD on U.S. operators is estimated to be $406,080, or $4,320 per airplane.

For certain other airplanes, it would take approximately 53 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification proposed AD on U.S. operators is estimated to be $298,920, or $3,180 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 94–NM–94–AD.

Applicability: Model A320 and Model A321 series airplanes; on which Airbus Modification 22422 (reference Airbus Service Bulletin A320–52–1027) has been installed, or Airbus Modification 24497 (reference Airbus Service Bulletin A320–52–1064) has not been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of the passenger/crew door, which could delay or impede the evacuation of passengers during an emergency, accomplish the following:

(a) For Model A320 series airplanes on which Airbus Modification 22422 (reference Airbus Service Bulletin A320–52–1027) has not been accomplished: Within 450 flight hours after the effective date of this AD, perform a detailed visual inspection to verify proper installation of the plain bushings of the upper and lower connection links on the forward and aft passenger/crew doors, in

accordance with Airbus Service Bulletin A320–52–1047, dated April 25, 1994.

(1) If all bushings are installed properly, repeat the inspection thereafter at intervals not to exceed 900 flight hours until the modification required by paragraph (c) of this AD is accomplished.

(2) If any bushing has migrated, prior to further flight, remove the passenger/crew door and visually inspect the bushing to detect damage, in accordance with the service bulletin.

(i) If the bushing housings are not damaged, prior to further flight, reinstall the bushing in accordance with the service bulletin. Repeat the detailed visual inspections of the bushings thereafter at intervals not to exceed 450 flight hours until the modification required by paragraph (b) of this AD is accomplished.

(ii) If any bushing housing is damaged, prior to further flight, ream the door structure and install an oversize shouldered bushing, in accordance with the service bulletin. If the damage is not completely removed after reaming, prior to further flight, repair the bushing housing in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) For Model A320 and Model A321 series airplanes; on which Airbus Modification 22422 (reference Airbus Service Bulletin A320–52–1027) has been installed, and Airbus Modification 24497 (reference Airbus Service Bulletin A320–52–1064) has not been installed: Within 450 flight hours after the effective date of this AD, perform a detailed visual inspection to verify proper installation of the plain bushings of the upper and lower connection links (2 bushings per door), in accordance with Airbus All Operators Telex AOT 52–07, dated July 28, 1994, or Airbus Service Bulletin A320–52–1066, dated March 6, 1995.

(1) If the bushings are installed properly, repeat the detailed visual inspection thereafter at intervals not to exceed 900 flight hours.

(2) If any bushing is found to be improperly installed, prior to further flight, modify the frame segment bushings in accordance with Airbus Service Bulletin A320–52–1064, Revision 1, dated September 8, 1995. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

(c) For Model A320 series airplanes on which Airbus Modification 22422 (reference Airbus Service Bulletin A320–52–1027) has not been accomplished: Within 3,500 flight hours after the effective date of this AD, replace the shouldered bushing on the locking mechanism with a new oversized bushing (Kit No. 521027A02), in accordance with Airbus Service Bulletin A320–52–1027, Revision 2, dated February 18, 1993, or Revision 3, dated December 10, 1993. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

(d) For Model A320 and Model A321 series airplanes on which Airbus Modification 22422 (reference Airbus Service Bulletin A320–52–1027) has been installed, and Airbus Modification 24497 (reference Airbus Service Bulletin A320–52–1064) has not been installed: Within 15 months after the effective date of this AD, modify the frame segment bushing in accordance with Airbus Service Bulletin A320–52–1064, Revision 1, dated September 8, 1995. Accomplishment of the modification constitutes terminating action for the repetitive detailed visual inspection requirements of paragraph (b) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 19, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–4556 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–U

---

14 CFR Part 71

[Airspace Docket No. 96–AWP–34]

Proposed Revision of Class D and Class E Airspace; Los Angeles, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM) to revise the Class D and Class E airspace areas at Los Angeles Hawthorne Municipal Airport, CA. The NPRM is being withdrawn as a result of the complexity of the air traffic procedures and operations in this area. Further analysis is necessary to reduce the complexity and incorporate appropriate changes into the airspace design.

DATES: The proposed rule is withdrawn as of February 25, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, Docket No. 96–AWP–34, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

On January 8, 1997, a Notice of Proposed Rulemaking was published in the Federal Register to revise the Class D and Class E airspace areas at Los Angeles Hawthorne Municipal Airport, CA (62 FR 1063). During airspace reclassification, the Hawthorne Airport Traffic Area (ATA) and the Los Angeles ATA were combined to form the Hawthorne Class D airspace. Action was initiated to redesign the Los Angeles Hawthorne Municipal Airport surface areas to reduce the complexity of air traffic procedures within this area.

Conclusion

The proposed action would have resulted in a reduction of the surface areas for the Los Angeles Hawthorne Municipal Airport, CA. The proposal would not have reduced the complexity of the air traffic procedures and operations in this area. Further analysis is necessary to incorporate appropriate changes into the airspace design.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 96–AWP–34, as published in the Federal Register on January 8, 1997 (62 FR 1063), is hereby withdrawn.

Issued in Los Angeles, California, on February 5, 1997.

Leonard A. Mobley,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–4579 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 97–AEA–14]

Proposed Establishment of Class E Airspace, Kutztown, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E Airspace at Kutztown, PA. The development of a new Standard Instrument Approach Procedure (SIAP) at Kutztown Airport based on the VHF Omni-Directional Radio Range (VOR) and Global Positioning System (GPS)

has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for Instrument Flight Rules (IFR) operations to the airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before March 30, 1997.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 97–AEA–14, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy Int'l Airport, Jamaica, NY 11430. The official docket may be examined in the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA–530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Operations Branch, AEA–530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

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. 97–AEA–14''. The postcard will be date/time stamped and returned to the commenter.

All communications received 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 the 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 the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace extending upward from 700 feet above the surface (AGL) at Kutztown, PA. A VOR or GPS A SIAP has been developed for Kutztown Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace extending upward from 700 feet above the surface are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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—[AMENDED]

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; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Kutztown, PA [New]

Kutztown Airport, PA

(Lat. 40°30′13″ N, long. 75°47′14″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Kutztown Airport, excluding the portions that coincides with the Allentown, PA, and Reading, PA Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on February 12, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–4580 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 47 and 55

[Notice No. 847]

RIN 1512–AB63

Implementation of Public Law 104–132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to the Marking of Plastic Explosives for the Purpose of Detection (96R–029P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Proposed rulemaking.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding the implementation of certain provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104–132). These regulations implement the law by requiring detection agents to mark plastic explosives and provides for the designation of other detection agents. The temporary regulations also serve as the text of this notice of proposed rulemaking for final regulations.

DATES: Written comments must be received on or before May 27, 1997.

ADDRESSES: Send written comments to: Chief, Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091–0221; *ATTN: Notice No. 847*.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined in E.O. 12866, because the economic effects flow directly from the underlying statute and not from this temporary rule. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute.

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC, 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the function of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility; the accuracy of the estimated burden associated with the proposed collection of information (see below), and; how the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The collection of information in this proposed regulation is in 27 CFR 55.184(a). This information is required to ensure compliance with the provisions of Public Law 104–132. This information will be used to ensure that plastic explosives contain a detection agent as required by law. The collection of information is mandatory. The likely respondents are individuals and businesses.

Estimated total annual reporting burden: 96 hours.

Estimated average annual burden hours per respondent: 12 hours.

Estimated number of respondents: 8.

Estimated annual frequency of responses: quarterly.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Public Participation

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

The temporary regulations in this issue of the Federal Register amend the regulations in 27 CFR Part 55. For the text of the temporary regulations, see T.D. ATF 387 published in the Rules and Regulations section of this issue of the Federal Register.

Drafting Information

The author of this document is James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Dated: December 3, 1996.

John W. Magaw,

Director.

Approved: January 3,1997.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 97–4558 Filed 2–24–97; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD040–3010b and MD048–3011b; FRL–5688–4]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From Open Fires, ''Once-in, Always-in,'' and Definition for the Term ''Annual''

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland on July 12, 1995 and July 17, 1995. These revisions establish a definition for the term ''annual,'' expand Maryland's once-in, always-in provisions, and institute an open burning ban in Maryland's serious and severe ozone nonattainment areas during the summer months. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 27, 1997.

ADDRESSES: Written comments on this action should be addressed to David L. Arnold, Chief, Ozone/CO and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 566–2181, at the EPA Region III office address listed above, or via e-mail at pino.maria@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title, pertaining to Maryland's open fires regulation, once-in, always-in provision, and definition for the term annual, which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 31, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 97–4523 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[OH102–1b; FRL–5675–4]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Ohio on August 30, 1996, which would provide Ford Motor Company an extended exemption from opacity limitations for start-up of coal-fired boilers at its Cleveland Engine Plant 1. This revision would extend the exemption from 3 hours to 6 hours after start-up. In the Final Rules section of this Federal Register, USEPA is approving this SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. However, if the USEPA receives significant adverse comments which have not been previously addressed, the direct final rule will be withdrawn and the public comments received will be addressed in a subsequent final rule based on this proposed rule. The USEPA does not plan a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 27, 1997.

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone John Summerhays at (312) 886–6067 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays, at (312) 886–6067.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 30, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–4521 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[OR34–1–6136b, OR51–7266b, OR58–7273b; FRL–5680–4]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Environmental Protection Agency (EPA) proposes to approve revisions to Oregon's State Implementation Plan (SIP). EPA is proposing to approve revisions to Oregon Administrative Rules (OAR) Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34 submitted to EPA on May 28, 1993, a revision to Division 22 submitted to EPA on September 27, 1995, and revisions to Division 20, 21, 22, 25, 27, and 30 submitted to EPA on October 8, 1996, to satisfy the requirements of section 110 of the Clean Air Act (CAA) and 40 CFR part 51.

In the Final Rules Section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by March 27, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston,

Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Catherine Woo, Office of Air Quality, (OAQ–107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: January 15, 1997.

Charles Findley,

Acting Regional Administrator.

[FR Doc. 97–4520 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 81

[PA034–4054b; FRL–5688–6]

Clean Air Act Promulgation of Extension of Attainment Date for the Pittsburgh-Beaver Valley Moderate Ozone Nonattainment Area; Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend the attainment date for the Pittsburgh-Beaver County moderate ozone nonattainment area in Pennsylvania to November 15, 1997. This extension is based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1996. Accordingly, EPA proposes to update the table in 40 CFR part 81 concerning attainment dates in the State of Pennsylvania. A detailed rationale for the approval is set forth in the direct final rule and accompanying technical support document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 27, 1997.

ADDRESSES: Written comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink at (215) 566–2104, or by e-mail at spink.marcia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671.

Dated: February 5, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 97–4120 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–115, DA 97–385]

Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Request for Further Comment on Specific Questions in CPNI Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission's Common Carrier Bureau is issuing this Public Notice seeking further comment to supplement the record in the rulemaking proceeding that the Commission initiated on May 17, 1996 to implement the customer proprietary network information (''CPNI'') requirements of section 222 of the Telecommunications Act of 1996 (''1996 Act''). The objective of the Public Notice is to provide an additional opportunity for public comment on specific issues in that rulemaking and to provide a record for a Commission decision on those issues.

DATES: Comments are due on or before March 17, 1997, and reply comments are due on or before March 27, 1997.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W. Washington, D.C. Comments and reply comments should reference CC Docket No. 96–115. Parties should also send two copies of their comments and reply comments to Janice M. Myles of the Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, (202)418–1577, as well as one copy to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037, at (202)857–3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice M. Myles of the Common Carrier Bureau and to International Transcription Service at the above addresses. Each such submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a ''read only'' mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

FOR FURTHER INFORMATION CONTACT: Dorothy Tyyne Attwood, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is text of the Commission's Common Carrier Bureau's Public Notice adopted and released February 20, 1997 (DA 97–385).

Text of Public Notice

Common Carrier Bureau Seeks Further Comment on Specific Questions in CPNI Rulemaking

CC DOCKET No. 96–115

Comment Date: March 17, 1997.
Reply Comment Date: March 27, 1997.

1. On May 17, 1996, the Commission released *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information,* Notice of Proposed Rulemaking, 61 FR 43031, August 20, 1996 (NPRM), initiating a proceeding to implement the customer proprietary network information (CPNI) requirements of section 222 of the Telecommunications Act of 1996 (1996 Act). The *CPNI NPRM* sought comment on, among other things: (1) the scope of the phrase ''telecommunications service,'' as it is used in section 222; (2) when telecommunications carriers may use, disclose, or permit access to individually identifiable CPNI absent customer approval; and (3) the requirements for customer approval.

2. On December 24, 1996, the Commission released *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended,* First Report and Order and Further Notice of Proposed Rulemaking, 62 FR 2991, January 21, 1997 (*Non-Accounting Safeguards Order*), which adopted rules and policies governing the Bell Operating Companies' (BOCs') provision of certain services through section 272 affiliates. In paragraph 222 of that Order, the Commission concluded that the nondiscrimination provisions of section 272(c)(1) govern the BOCs' use of CPNI and that BOCs must comply with the requirements of both section 222 and section 272(c)(1). Section 272(c)(1) requires that a BOC not discriminate between its section 272 affiliate and other entities in, among other things, the provision of services and information. In paragraph 222 of the *Non-Accounting Safeguards Order,* however, the Commission deferred to the CPNI rulemaking proceeding issues concerning the interplay between section 222 and section 272(c)(1). In paragraph 300 of that Order, the Commission deferred to the CPNI proceeding issues that concern the interplay between the joint marketing restrictions of section 272(g) and section 222. The Commission emphasized, however, that if a BOC markets or sells the services of its section 272 affiliate pursuant to section 272(g), it must comply with the statutory requirements of section 222 and any rules promulgated thereunder.

3. On February 7, 1997, the Commission released *Implementation of the Telecommunications Act of 1996: Telemessaging, Electronic Publishing, and Alarm Monitoring Services,* First Report and Order and Further Notice of Proposed Rulemaking, 62 FR 7690, February 20, 1997 (*Electronic Publishing Order*), which adopted policies and rules governing, among other things, BOC provision of electronic publishing under section 274. Section 274 permits BOCs to provide electronic publishing services only through a ''separated affiliate'' or ''electronic publishing joint venture'' that meets certain separation, nondiscrimination, and joint marketing requirements. In paragraph 142 of that Order, the Commission deferred to the CPNI proceeding any decision on the extent, if any, that section 222 affects implementation of the joint marketing provisions of section 274. In paragraph 169 of that Order, the Commission also deferred to this proceeding the following issues: (1) Whether the term ''basic telephone service information,'' as defined in section 274(i)(3), includes CPNI; (2) whether section 222 requires a BOC engaged in permissible marketing activities under section 274(c)(2) to obtain customer approval before using, disclosing, or permitting access to CPNI; and (3) whether or to what extent section 274(c)(2)(B) imposes any obligations on BOCs that use, disclose, or permit access to CPNI pursuant to a ''teaming'' or ''business arrangement'' under that section.

4. Comments and reply comments in the CPNI proceeding were received on June 11, 1996 and June 26, 1996, respectively. In view of the Commission's determinations in the *Non-Accounting Safeguards and Electronic Publishing* Orders, the Common Carrier Bureau (Bureau) seeks further comment to supplement the record in the CPNI proceeding on specific issues relating to the subjects previously noticed in this proceeding and their interplay with sections 272 and 274. Specifically, interested parties are invited to file comments and reply comments on the attached list of questions. Commenters should address these questions in the order in which they are presented and should restate and highlight each question above their responses. Commenters should identify specific statutory language or legislative history that supports their arguments and address the impact of their positions on customer privacy and competition. The comments should not exceed 40 pages; reply comments should not exceed 25 pages. Comments should be filed on or before March 17, 1997. Any reply comments should be filed on or before March 27, 1997.

5. Neither this public notice nor the attached questions resolve any of the issues in the CPNI rulemaking. To help focus the parties' responses, however, certain individual questions include assumptions as to how the Commission might resolve specific issues in the rulemaking. Commenters should not construe these assumptions or any other aspect of the questions as indicating how the Bureau might advise the Commission with regard to those issues or how the Commission might resolve them.

6. Interested parties must file an original and four copies of their comments and reply comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments should reference CC Docket No. 96–115. Parties should also send two copies of their comments and reply comments to Janice M. Myles of the Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, (202) 418–1577, as well as one copy to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037, at (202) 857–3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

7. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice M. Myles of the Common Carrier Bureau and to International Transcription Service at the above addresses. Each such submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a ''read only'' mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

8. For further information contact: Dorothy Tyyne Attwood, (202) 418–1580.

Federal Communications Commission.

A. Richard Metzger, Jr.,

Deputy Chief, Common Carrier Bureau.

* Note: This attachment will not be published in the Code of Federal Regulations.

Attachment

Questions

I. Interplay Between Section 222 and Section 272

A. Using, Disclosing, and Permitting Access to CPNI

1. Does the requirement in section 272(c)(1) that a BOC may not discriminate between its section 272 ''affiliate and any other entity in the provision or procurement of * * * services * * * and information * * *'' mean that a BOC may use, disclose, or permit access to CPNI for or on behalf of that affiliate only if the CPNI is made available to all other entities? If not, what obligation does the nondiscrimination requirement of section 272(c)(1) impose on a BOC with respect to the use, disclosure, or permission of access to CPNI?

2. If a telecommunications carrier may disclose a customer's CPNI to a third party only pursuant to the customer's ''affirmative written request'' under section 222(c)(2), does the nondiscrimination requirement of section 272(c)(1) mandate that a BOC's section 272 affiliate be treated as a third party for which the BOC must have a customer's affirmative written request before disclosing CPNI to that affiliate?

3. If a telecommunications carrier may disclose a customer's CPNI to a third party only pursuant to the customer's ''affirmative written request'' under section 222(c)(2), must carriers, including interexchange carriers and independent local exchange carriers (LECs), treat their affiliates and other intra-company operating units (such as those that originate interexchange telecommunications services in areas where the carriers provide telephone exchange service and exchange access) as third parties for which customers' affirmative written requests must be secured before CPNI can be disclosed? Must the answer to this question be the same as the answer to question 2?

B. Customer Approval

4. If sections 222(c)(1) and 222(c)(2) require customer approval, but not an affirmative

written request, before a carrier may use, disclose, or permit access to CPNI, must a BOC disclose CPNI to unaffiliated entities under the same standard for customer approval as is permitted in connection with its section 272 affiliate? If, for example, a BOC may disclose CPNI to its section 272 affiliate pursuant to a customer's oral approval or a customer's failure to request non-disclosure after receiving notice of an intent to disclose (i.e., opt-out approval), is the BOC required to disclose CPNI to unaffiliated entities upon the customer's approval pursuant to the same method?

5. If sections 222(c)(1) and 222(c)(2) require customer approval, but not an affirmative written request, before a carrier may use, disclose, or permit access to CPNI, must each carrier, including interexchange carriers and independent LECs, disclose CPNI to unaffiliated entities under the same standard for customer approval as is permitted in connection with their affiliates and other intra-company operating units?

6. Must a BOC that solicits customer approval, whether oral, written, or opt-out, on behalf of its section 272 affiliate also offer to solicit that approval on behalf of unaffiliated entities? That is, must the BOC offer an ''approval solicitation service'' to unaffiliated entities, when it provides such a service for its section 272 affiliate? If so, what specific steps, if any, must a BOC take to ensure that any solicitation it makes to obtain customer approval does not favor its section 272 affiliate over unaffiliated entities? If the customer approves disclosure to both the BOC's section 272 affiliate and unaffiliated entities, must a BOC provide the customer's CPNI to the unaffiliated entities on the same rates, terms, and conditions (including service intervals) as it provides the CPNI to its section 272 affiliate?

C. Other Issues

7. If, under sections 222(c)(1), 222(c)(2), and 272(c)(1), a BOC must not discriminate between its section 272 affiliate and non-affiliates with regard to the use, disclosure, or the permission of access to CPNI, what is the meaning of section 272(g)(3), which exempts the activities described in sections 272(g)(1) and 272(g)(2) from the nondiscrimination obligations of section 272(c)(1)? What specific obligations with respect to the use, disclosure, and permission of access to CPNI do sections 222(c)(1) and 222(c)(2) impose on a BOC that is engaged in the activities described in sections 272(g)(1) and 272(g)(2)?

8. To what extent is soliciting customer approval to use, disclose, or permit access to CPNI an activity described in section 272(g)? To the extent that a party claims that CPNI is essential for a BOC or section 272 affiliate to engage in any of the activities described in section 272(g), please describe in detail the basis for that position. To the extent that a party claims that CPNI is not essential for a BOC or section 272 affiliate to engage in those activities, please describe in detail the basis for that position.

9. Does the phrase ''information concerning [a BOC's] provision of exchange access'' in section 272(e)(2) include CPNI as defined in section 222(f)(1)? Does the phrase ''services * * * concerning [a BOC's] provision of exchange access'' in section 272(e)(2) include CPNI-related approval solicitation services? If such information or services are included, what must a BOC do to comply with the requirement in section 272(e)(2) that a BOC ''shall not provide any * * * services * * * or information concerning its provision of exchange access to [its affiliate] unless such * * * services * * * or information are made available to other providers of interLATA services in that market on the same terms and conditions''?

10. Does a BOC's seeking of customer approval to use, disclose, or permit access to CPNI for or on behalf of its section 272 affiliate constitute a ''transaction'' under section 272(b)(5)? If so, what steps, if any, must a BOC and its section 272 affiliate take to comply with the requirements of section 272(b)(5) for purposes of CPNI?

11. Please comment on any other issues relating to the interplay between sections 222 and 272.

12. Please propose any specific rules that the Commission should adopt to implement section 222 consistent with the provisions of section 272.

II. Interplay Between Section 222 and Section 274

A. Threshold Issues

13. To what extent, if any, does the term ''basic telephone service information,'' as used in section 274(c)(2)(B) and defined in section 274(i)(3), include information that is classified as CPNI under section 222(f)(1)?

B. Using, Disclosing, and Permitting Access to CPNI

(i). Section 274(c)(2)(A)—Inbound Telemarketing or Referral Services

14. Does section 274(c)(2)(A) mean that a BOC that is providing ''inbound telemarketing or referral services related to the provision of electronic publishing'' to a separated affiliate, electronic publishing joint venture, or affiliate may use, disclose, or permit access to CPNI in connection with those services only if the CPNI is made available, on nondiscriminatory terms, to all unaffiliated electronic publishers who have requested such services? If not, what obligation does the nondiscrimination requirement of section 274(c)(2)(A) impose on a BOC with respect to the use, disclosure, or permission of access to CPNI?

(ii). Section 274(c)(2)(B)—Teaming or Business Arrangements

15. To the extent that basic telephone service information is also CPNI, should section 274(c)(2)(B) be construed to mean that a BOC, engaged in an electronic publishing ''teaming'' or ''business arrangement'' with ''any separated affiliate or any other electronic publisher,'' may use, disclose, or permit access to basic telephone service information that is CPNI in connection with that teaming or business arrangement only if such CPNI is also made available on a nondiscriminatory basis to other teaming or business arrangements and unaffiliated electronic publishers? If not, what obligation does the nondiscrimination requirement of section 274(c)(2)(B) impose on a BOC with respect to the use, disclosure, or permission of access to CPNI?

16. If section 222(c)(2) permits a BOC to disclose a customer's CPNI to a third party only pursuant to the customer's ''affirmative written request,'' does section 274(c)(2)(B) require that the entities, both affiliated and non-affiliated, engaged in section 274 teaming or business arrangements with the BOC be treated as third parties for which the BOC must have a customer's affirmative written request before disclosing CPNI to such entities?

(iii). Section 274(c)(2)(C)—Electronic Publishing Joint Ventures

17. Should section 274(c)(2)(C) be construed to mean that an electronic publishing joint venture be treated as a third party for which the BOC must have a customer's approval, whether oral, written, or opt-out, before disclosing CPNI to that joint venture or to joint venture partners?

C. Customer Approval

(i). Section 274(c)(2)(A)—Inbound Telemarketing or Referral Services

18. Must a BOC that is providing inbound telemarketing or referral services to a ''separated affiliate, electronic publishing joint venture, affiliate, or unaffiliated electronic publisher'' under section 274(c)(2)(A) obtain customer approval pursuant to section 222(c) before using, disclosing, or permitting access to CPNI on behalf of such entities? If so, what forms of customer approval (oral, written, or opt-out) would be necessary to permit a BOC to use a customer's CPNI on behalf of each of these entities in this situation? What impact, if any, does section 222(d)(3) have on the forms of customer approval in connection with section 274(c)(2)(A) activities?

19. Must a BOC that solicits customer approval, whether oral, written, or opt-out, on behalf of its separated affiliate or electronic publishing joint venture also offer to solicit that approval on behalf of unaffiliated entities? That is, must the BOC offer an ''approval solicitation service'' to unaffiliated electronic publishers when it provides such a service for its section 274 separated affiliates, electronic publishing joint ventures, or affiliates under section 274(c)(2)(A)? What impact, if any, does section 222(d)(3) have on the BOC's obligations under section 274(c)(2)(A) with regard to the solicitation of a customer's approval during a customer-initiated call? What specific steps, if any, must a BOC take to ensure that any solicitation it makes to obtain customer approval does not favor its section 274 separated affiliates or electronic publishing joint ventures or affiliates over unaffiliated entities? If the customer approves disclosure to both the BOC's section 274 separated affiliates or electronic publishing joint ventures or affiliates and unaffiliated entities, must a BOC provide the customer's CPNI to the unaffiliated entities on the same rates, terms, and conditions (including service intervals) as it provides the CPNI to its section 274 separated affiliates or electronic publishing joint ventures or affiliates?

20. To the extent that sections 222(c)(1) and 222(d)(3) require customer approval, but

not an affirmative written request, before a carrier may use, disclose, or permit access to CPNI, must a BOC disclose CPNI to unaffiliated electronic publishers under the same standard for customer approval as is permitted in connection with its section 274 separated affiliate, electronic publishing joint venture, or affiliate under section 274(c)(2)(A)? If, for example, a BOC may disclose CPNI to its section 274 separated affiliate pursuant to the customer's oral or opt-out approval, is the BOC required to disclose CPNI to unaffiliated entities upon the customer's approval pursuant to the same method?

(ii). Section 274(c)(2)(B)—Teaming or Business Arrangements

21. Must a BOC, that is engaged in a teaming or business arrangement under section 274(c)(2)(B) with ''any separated affiliate or with any other electronic publisher,'' obtain customer approval before using, disclosing, or permitting access to CPNI for such entities? What forms of customer approval (oral, written, or opt-out) would be necessary to permit a BOC to use a customer's CPNI on behalf of each of these entities in this situation?

22. Must a BOC that solicits customer approval, whether oral, written, or opt-out, on behalf of any of its teaming or business arrangements under section 274(c)(2)(B) also offer to solicit that approval on behalf of other teaming arrangements and unaffiliated electronic publishers? That is, must the BOC offer an ''approval solicitation service'' to unaffiliated electronic publishers and teaming arrangements when it provides such a service for any of its teaming or business arrangements under section 274(c)(2)(B)? If so, what specific steps, if any, must a BOC take to ensure that any solicitation it makes to obtain customer approval does not favor its electronic publishing teaming or business arrangements over unaffiliated entities? If the customer approves disclosure to both the BOC's electronic publishing teaming or business arrangements and unaffiliated entities, must a BOC provide the customer's CPNI to the unaffiliated entities on the same rates, terms, and conditions (including service intervals) as it provides the CPNI to its electronic publishing teaming or business arrangements?

23. To the extent that sections 222(c)(1) and 222(c)(2) require customer approval, but not an affirmative written request, before a carrier may use, disclose, or permit access to CPNI, must a BOC disclose CPNI to unaffiliated electronic publishers under the same standard for customer approval as is permitted in connection with its teaming or business arrangements under section 274(c)(2)(B)? If, for example, a BOC may disclose CPNI to a section 274 separated affiliate with which the BOC has a teaming arrangement pursuant the customer's oral or opt-out approval, is the BOC likewise required to disclose CPNI to unaffiliated electronic publishers or teaming arrangements upon obtaining approval from the customer pursuant to the same method?

D. Other Issues

24. Does the seeking of customer approval to use, disclose, or permit access to CPNI for or on behalf of its section 274 separated affiliate or electronic publishing joint venture constitute a ''transaction'' under section 274(b)(3)? If so, what steps, if any, must the BOC and its section 274 separated affiliate or electronic publishing joint venture take to comply with the requirements of section 274(b)(3) for purposes of CPNI?

25. Please comment on any other issues relating to the interplay between sections 222 and 274.

26. Please propose any specific rules that the Commission should adopt to implement section 222 consistent with the provisions of section 274?

[FR Doc. 97–4760 Filed 2–24–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD35

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Public Comment Period on the Proposed Rule to List the Pallid Manzanita as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule; notice of reopening of the comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period on the proposed threatened status for *Arctostaphylos pallida* (pallid manzanita). The comment period has been reopened to acquire additional information from interested parties, and to resume the proposed listing actions.

DATES: The public comment period closes March 27, 1997. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Written comments and materials concerning this proposal should be sent directly to the Field Supervisor, Sacramento Field Office, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821–6340. Comments and materials received will be available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Betty Warne (see **ADDRESSES** section) at (916) 979–2120.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1995, the Service published a rule proposing threatened status for *Arctostaphylos pallida* (60 FR 39309–39314). The original comment period closed on September 25, 1995. No public hearing was requested.

Pallid manzanita is found only in the northern Diablo Range of California. It occupies 13 sites in Alameda and Contra Costa Counties. The two largest populations are located at Huckleberry Ridge and Sobrante Ridge. The plants are found in manzanita chaparral habitat that is frequently surrounded by oak woodlands and coastal scrub. The plants are threatened by shading and competition from native and non-native plants, fire suppression, habitat fragmentation, hybridization, disease, herbicide spraying, unauthorized tree cutting and inadequate regulatory mechanisms.

The Service was unable to make a final listing determination on this species because of a limited budget, other endangered species assignments driven by court orders, and higher listing priorities. In addition, a moratorium on listing actions (Pub. L. 104–6), which took effect on April 10, 1995, stipulated that no funds could be used to make final listing determinations or critical habitat determinations. Now that the funding has been restored, the Service is proceeding with a final determination for this species.

Due to the length of time that has elapsed since the close of the last comment period, changing procedural and biological circumstances, and the need to review the best scientific information available during the decision-making process, the comment period is being reopened. For these reasons, the Service particularly seeks information concerning:

(1) The known or potential effects of fire suppression and general fire management practices on the pallid manzanita and its habitat.

(2) other updated biological, commercial, or other relevant data on any threats (or lack of thereof) to the species; and

(3) the current size, number, or distribution of populations of the species.

Written comments may be submitted until March 27, 1997 to the Service office in the **ADDRESSES** section.

Author: The primary author of this notice is Betty Warne (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq*.).

Dated: February 14, 1997.

Thomas J. Dwyer,

Acting Regional Director.

[FR Doc. 97–4549 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 62, No. 37
Tuesday, February 25, 1997

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

Food and Consumer Service

Agency Information Collection Activities: Proposed Collection; Comment Request: National Survey of WIC Participants and Their Local Agencies (NSWP)

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection of the National Survey of WIC Participants and Their Local Agencies (NSWP).

DATES: Comments on this notice must be received by April 28, 1997.

ADDRESSES: Comments are invited on: (a) 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; (b) 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; (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 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 may be sent to: Michael E. Fishman, Acting Director, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Michael E. Fishman, (703) 305–2117.

SUPPLEMENTARY INFORMATION:

Title: National Survey of WIC Participants and Their Local Agencies (NSWP).

OMB Number: Not yet assigned.

Expiration Date: N/A.

Type of Request: New collection of information.

Abstract: This study will survey a nationally representative sample of WIC participants through personal interviews at the time of WIC certification in order to better respond to congressional inquiries and strengthen FCS data used for budgetary and legislative estimates as well as monitoring and planning for the WIC Program. It will also provide a nationally representative estimate of case error and dollar error in current WIC certification processes through in-home income verification interviews.

The study's data collection component is comprised of:

1. Collecting income and other demographic information through in-person interviews at the time of WIC certification, with a nationally representative sample of 3,000 WIC participants consisting of approximately 600 individuals in each WIC certification category. These categories are pregnant women, breastfeeding women, postpartum women, infants up to the age of twelve months, and children under five years of age. Parents and caretakers of infants and children will be interviewed.

2. In-home interviews to verify income information obtained during the WIC certification process and other selected topics identified as of interest during the earlier in-person interviews, for example immunization documentation if not available at the time of WIC certification. Verification interviews will be conducted with 1,000 WIC participants.

3. Follow-up telephone interviews with approximately 600 WIC participants with whom in-home income verification interviews were conducted. These interviews will gather data on changes in employment and income during the first four months following WIC certification as well as inquiring about the participants' experiences as part of the WIC Program. Special arrangements will be made to contact persons who do not have telephones in their homes.

4. A survey of 100 local WIC agencies serving the study sample will obtain information on local operating procedures.

Affected Public: WIC participants and WIC local agency administrators serving them.

Estimated Number of Respondents: 3,000 WIC participants and 100 local WIC administrators. For infants and children, parents or caretakers will serve as the interview respondent.

Estimated Time per Response: For 2,000 WIC participants, one 30 minute response; for 400 WIC participants, one 30 minute response and one 45 minute response; for 600 WIC participants one 30 minute, one 45 minute and one 15 minute response; and for 100 local WIC administrators, one 30 minute response.

Estimated Total Annual Burden: 2,450 hours.

Dated: February 14, 1997.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 97–4583 Filed 2–24–97; 8:45 am]

BILLING CODE 3410–30–U

Forest Service

Birch Creek/Worm Creek Proposed Timber Sale; Cache National Forest (Administered by the Caribou National Forest), Franklin County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare Environmental Impact Statement.

SUMMARY: The USDA, Forest Service will prepare an Environmental Impact Statement to document the analysis and disclose the environmental impacts of proposed actions to harvest timber, build roads, and regenerate new stands of trees in the Birch Creek/Worm Creek area of the Cache National Forest. The project is located in Franklin County, ID in the Birch Creek, Worm Creek and South Canyon drainages, administered by the Montpelier Ranger District of the Caribou National Forest. The need for the proposal is to treat stands of timber to enhance sustainable productivity as outlined in the Caribou National Forest Land and Resource Management Plan. Treatment would be designed to address

silvicultural condition of the affected timber stands.

The Montpelier Ranger District of the Caribou National Forest proposes to harvest an estimated 3300 MBF (thousand board feet) of commercial timber in 28 timber stands on approximately 658 acres. One 15-acre stand would be clearcut and planted. The remaining stands would be partially cut using either a sanitation/salvage cut or a shelterwood method. Thirteen stands would be logged by tractor and fifteen stands would be logged by helicopter. Approximately 5.5 miles of new road would be built, and 3.8 miles of road would be relocated to access the stands for logging. All new roads and 3.4 miles of relocated roads would be closed to vehicle travel after logging. The timber would be offered for sale in 1999. For a map of the proposed project area, please contact the Montpelier Ranger District, 431 Clay Street, Montpelier, ID 83254, (208) 847–0375.

DATE: Written comments concerning the scope of the analysis described in this Notice should be received on or before March 27, 1997.

ADDRESSES: Send written comments to Caribou National Forest, Montpelier Ranger District, 431 Clay Street, Montpelier, ID 83254.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be directed to T.W. Smith, Forester, Caribou National Forest, Montpelier Ranger District (Telephone: (208) 847–0375.)

SUPPLEMENTARY INFORMATION: This EIS will tier to the final EIS for the Caribou National Forest Land and Resource Management Plan (Forest Plan). The Caribou Forest Plan provides the overall guidance (Goals, Objectives, Standards, and Management Area direction) to achieve the Desired Future Condition for the area being analyzed and contains specific management area prescriptions for the entire Forest. The specific objective of this proposal is to contribute to the sustained yield of timber assigned the Caribou National Forest in the Forest's Land and Resource Management Plan.

Possible alternatives to the proposal are to cut no timber or to cut only some of the stands at this time.

Public scoping letters have been sent to individuals, and news articles regarding the project have appeared in local newspapers. Initial scoping comments indicated concerns about the project's environmental impacts on water quality, fish habitat, and roadless area characteristics. The Caribou National Forest determined impacts could be significant and will complete an Environmental Impact Statement to address these concerns. At this time, no public scoping meetings have been planned.

Issues/Concerns

Tentative issues and concerns identified to date are:

1. Birch Creek is a section 303(d) Water Quality Limited stream. Beneficial uses, which include beneficial uses for fisheries, must be protected and regulatory water quality standards met.

2. Steep slopes limit tractor logging in some stands and helicopter logging is proposed in these instances. Cable systems may be considered as another means of logging steep slopes, because they are less expensive to operate and would make the sale available to more timber operators; however, they require more roads than helicopters.

3. Stands in the Worm Creek drainage are accessible by approximately 3.4 miles of road that would require relocation. Road relocation would be expensive, raise logging costs, and make the area more accessible while the road was open.

4. Regeneration would be difficult in many stands that have an understory of shrubs. Tractor logging reduces shrubs and exposes mineral soil allowing tree seedlings to germinate and grow. Helicopter logging does not disturb the ground, and therefore, tree regeneration would be difficult to establish in helicopter units.

5. The Birch Creek Road is rocky, making maintenance difficult. Lack of maintenance causes ruts and increases erosion. The Birch Creek Road would be used to haul logs from the sale area. The proposal creates an opportunity to improve the road and reduce surface runoff into Birch Creek.

6. Birch Creek is a tributary of Mink Creek. Mink Creek contains Bonneville Cutthroat Trout. The proposal could adversely affect fish habitat in both streams.

7. Birch Creek Road is groomed for snowmobile use in the winter and provides access to winter play areas. Winter logging would require plowing the road. The narrow canyon would not allow snowmobiling off the plowed road. Snowmobile use on the plowed road would create a public safety hazard.

8. The proposed project is located in the Station Creek Roadless Area, #04178. The environmental analysis will need to determine how the proposed action would affect existing roadless characteristics.

9. The proposed project area contains wildlife habitat used by deer and elk. Harvest activities and road-building could make these animals more vulnerable to hunters.

10. Permitted cattle grazing occurs in Birch Creek and Worm Creek. Tree regeneration, occurring as a result of this proposal, would require protection from damage by cattle.

11. Douglas-fir and subalpine fir trees in the project area have been attacked and killed by bark beetles over the past ten years. Since the trees are of an age and density that invite continued attacks, mortality can be expected to continue. The project offers an opportunity to harvest recently killed trees for timber products.

A Biological assessment of threatened, endangered and sensitive species will be completed as part of the environmental analysis.

A Cultural Resource Survey of the area will be completed as part of the environmental analysis, and any cultural resources found would be protected.

No permits or licenses are required to implement the proposed action.

The tentative date for filing the Draft EIS is June 1997. The tentative date for filing the final EIS is September 1997. The comment period on the draft environmental impact statement will be open for 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period of the Draft Environmental Impact Statement so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in

the Final Environmental Impact Statement. Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the Draft Environmental Impact Statement should be as specific as possible, it is also helpful if comments refer to specific pages or chapters of the Draft. Comments may also address the adequacy of the Draft Environmental Impact Statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The USDA, Forest Service is the lead agency in preparing the Environmental Impact Statement for this proposal. The responsible official is Paul R. Nordwall, Supervisor, Caribou National Forest, 250 South Fourth Avenue, Pocatello, ID 83254.

Dated: February 12, 1997.

Paul R. Nordwall,

Forest Supervisor, Caribou National Forest.

[FR Doc. 97–4631 Filed 2–24–97; 8:45 am]

BILLING CODE 3410–11–M

Klamath Provincial Advisory Committee (PAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Klamath Provincial Advisory Committee will meet on March 10, 1997 at the Miner's Inn Conference Room, 122 East Miner, Yreka, California. The meeting will begin at 9 a.m. and adjourn at 5 p.m. Agenda items to be covered include: (1) Klamath Province storm damage overview; (2) a strategy plan for the next two years of PAC Charter with recommendations; (3) socio-economic subcommittee discussion on possible proposal; (4) Province Interagency Executive Committee Report; and (5) public comment periods. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Connie Hendryx, USDA, Klamath National Forest, at 1312 Fairlane Road, Yreka, California 96097; telephone 916–842–6131, (FTS) 700–467–1309.

Dated: February 18, 1997.

K. Mike Ford,

Acting Forest Supervisor.

[FR Doc. 97–4551 Filed 2–24–97; 8:45 am]

BILLING CODE 3410–11–M

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Action of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by April 28, 1997.

FOR FURTHER INFORMATION CONTACT: Jonathan Claffey, Acting Deputy Director, Advanced Telecommunications Services Staff, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1701, Room 2919 South Building, Washington, DC 20250–1701. Telephone: (202) 720–0530. FAX: (202) 720–2734.

SUPPLEMENTARY INFORMATION:

Title: Preloan Procedures and Requirements for Telecommunications Program.

OMB Control Number: 0572–0079.

Type of Request: Reinstatement of a previously approved information collection, without change.

Abstract: This program is necessary in order for the Rural Utilities Service (RUS) to determine an applicant's eligibility to borrower from RUS under the terms of the RE Act. This information is also used by RUS to determine that the Government's security for loans made by RUS is reasonably adequate and that the loans will be repaid within the time agreed.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 hours per response.

Respondents: Small business or organizations.

Estimated Number of Respondents: 95.

Estimated Number of Responses per Respondent: 8.

Estimated Total Annual Burden on Respondents: 7,177.

Copies of this information collection, and related form and instructions, can be obtained from Dawn Wolfgang, Program Support and Regulatory Analysis Group, at (202) 720–0812.

Comments are invited on: (a) Whether this proposed 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 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 may be sent to: F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. FAX: (202) 720–4120.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 18, 1997.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 97–4641 Filed 2–24–97; 8:45 am]

BILLING CODE 3410–15–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, D.C. on Monday, Tuesday, and Wednesday, March 10–12, 1997 at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, March 10, 1997

8:30 am–10:00 am—Ad Hoc Committee on Bylaws and Statutory Review

10:00 am–11:00 am—Long-Range Planning Group

11:00 am–12:30 pm—Briefing on Proposed Rule for Access to Telecommunications Equipment (Closed Meeting)

2:00 pm–5:00 pm—Committee of the Whole—State and Local Government Facilities Final Rule (Closed Meeting)

Tuesday, March 11, 1997

9:00 am–noon and 1:30 pm–5:00 pm ADAAG Revision—Discussion of Issues (Closed Meeting)

Wednesday, March 12, 1997

9:00 am–10:30 am—Briefing on Play Facilities Regulatory Negotiation (Closed Meeting)

10:30 am–noon—Planning and Budget Committee

1:30 pm–3:30 pm—Board Meeting.

ADDRESSES: The meetings will be held at: Embassy Suites Hotel, 1250 22nd Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434 ext. 14 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items:

Open Meeting

- Approval of the Minutes of the January 15, 1997 and November 13, 1996 Board Meetings.
- Ad Hoc Committee on Bylaws and Statutory Review Report.
- Planning and Budget Committee Report.

Closed Meeting

- Proposed Rule for Access to Telecommunications Equipment.
- Committee on the Whole Report—State and Local Government Facilities Final Rule.
- ADAAG Revision.
- Play Facilities Regulatory Negotiation.

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 97–4638 Filed 2–24–97; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 8–97]

Foreign-Trade Zone 82; Mobile, Alabama; Application for Subzone Status Coastal Mobile Refining Company (Oil Refinery Complex) Mobile County, Alabama

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Mobile, Alabama, grantee of FTZ 82, requesting special-purpose subzone status for the oil refinery complex of Coastal Mobile Refining Company (wholly-owned subsidiary of Coastal Corporation), located in Mobile County, Alabama. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 12, 1997.

The refinery complex (45 acres, 41 employees) consists of 3 sites and connecting pipelines in Mobile County, Alabama: *Site 1* (10 acres)—main refinery complex (15,000 BPD), located on Chickasaw Creek at 200 Viaduct Road, some 2 miles north of Mobile; *Site 2* (17 acres)—North Terminal storage facility (290,000 barrel capacity), located on Chickasaw Creek, 1 mile north of the refinery; and *Site 3* (18 acres)—three storage tanks (450,000 barrel capacity) at Blakely Island Terminal, located on the Mobile River, some 7 miles south of the refinery.

The refinery produces fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, kerosene, distillates and residual fuels. Petrochemical feedstocks and refinery byproducts include butane, propane, benzene, toluene, xylene, propylene, cumene, sulfur, petroleum coke and asphalt. All of the crude oil (85 percent of inputs) and some feedstocks and motor fuel blendstocks used in producing fuel products are sourced abroad.

Zone procedures would exempt the operations involved from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery byproducts (duty-free) instead of the duty rates that would otherwise apply to the foreign-sourced inputs (e.g., crude oil, natural gas condensate). The duty rates on crude oil range from 5.25¢/barrel to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 28, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 12, 1997).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Customs Service Port Director's Office, Suite 3400, 150 N. Royal Street, Mobile, Alabama 36602

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: February 18, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–4507 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DS–P

Foreign-Trade Zones Board

[Docket 7–97]

Foreign-Trade Zone 15; Kansas City, Missouri Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Kansas City Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 15, requesting authority to expand its zone in the Kansas City, Missouri area, adjacent to the Springfield, Missouri, Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 11, 1997.

FTZ 15 was approved on March 23, 1973 (Board Order 93, 38 FR 8622, 4/4/73) and expanded on October 25, 1974 (Board Order 102, 39 FR 39487, 11/7/74); February 28, 1996 (Board Order 804, 61 FR 9676, 3/11/96); and, May 31, 1996 (Board Order 824, 61 FR 29529, 6/11/96). The zone project includes 4 general-purpose sites in the Kansas City, Missouri, port of entry area: *Site 1* (250,000 sq. ft.)—Midland International

Corp. warehouse, 1690 North Topping, Kansas City; *Site 2* (2,815,000 sq. ft.)—surface/underground warehouse complex, 8300 N.E. Underground Drive, Kansas City; *Site 3* (10,000 acres)—entire Kansas City International Airport facility, 12600 N.W. Prairie View Road, Kansas City; and, *Site 4* (416 acres)—surface/underground business park (Carefree Industrial Park), 1600 N. M–291 Highway, Sugar Creek.

The applicant is now requesting authority to further expand the general-purpose zone to include an additional site (proposed *Site 5* (5.75 million sq. ft.)—underground business park and a 1,000-acre surface industrial park (CARMAR Underground Business Park/CARMAR Industrial Park), located at No. 1 Civil War Road, Carthage. The complex includes space in underground caverns left from limestone and marble mining. It is owned by the CARMAR Group and includes refrigerated and frozen warehouse space, as well as a large intermodal facility. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 28, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 12, 1997).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Economic Development Director, City of Carthage, City Hall, 326 Grant, Carthage, MO 64836

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: February 18, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–4506 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–549–502]

Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand: Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On November 1, 1996, the Department of Commerce (the Department) published the final results of administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand (61 FR 56515). On January 15, 1997, the Department published the amended final results of that administrative review (62 FR 2131). This review covers Saha Thai Steel Pipe Company, SAF Steel Pipe Export Company, and Pacific Pipe Company.[1] The period of review (POR) is March 1, 1994 through February 28, 1995.

On January 16, 1997, Counsel for Saha Thai filed an allegation, pursuant to 19 CFR 353.28, of a clerical error with regard to the amended final results of the above review. Saha Thai's submission alleged that the Department made errors in calculating the importer-specific assessment rates for subject merchandise sold by Saha Thai. On January 24, 1997, petitioners in this proceeding objected to Saha Thai's request, arguing that the allegation was untimely because the alleged error occurred in the original final results. Petitioners claimed that the Department's regulations do not authorize further alteration of the final results except through action by the Court of International Trade, pursuant to 19 USC 1516a. Petitioners further contend that 19 CFR 353.28 does not provide for correction of clerical errors in amended final determinations.

The Department finds that correction of the ministerial error in the amended final results of review is appropriate. Section 751(h) of the Act authorizes the Department to correct final determinations issued pursuant to section 751(a)(1). Because an amended final results of review is a final determination under section 751, the Department may correct ministerial errors found in amended final determinations in accordance with 19 CFR 353.28.

In reviewing Saha Thai's submission, the Department found that the alleged error in our amended final results calculations did in fact occur and that the same error had not been present in the calculations for the final results of review. Therefore, Saha Thai's allegation, which was filed within five business days of the date of disclosure of the amended final results calculations, was timely in accordance with 19 CFR 353.28(b). Due to a computer programming error, the importer-specific antidumping duty rate was inadvertently overstated in the amended final results. The Department agrees with Saha Thai that this clerical error should be corrected in accordance with 19 CFR 353.29(c). This correction affects only the importer-specific assessment rates and will therefore only change our instructions to the Customs Service. This modification does not change any other part of the calculations, final results notice, or amended final results notice.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: James Rice or Jean Kemp, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–0162 or (202) 482–4037, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Scope of the Review

The products covered by this administrative review are certain circular welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter 0.375 inches or more, but not exceeding 16 inches. These products, which are commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' are hereinafter designated as ''pipe and tube.'' The merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and Customs

[1] The Department has determined that Pacific Pipe Company had no U.S. sales during the period of review.

purposes, our written description of the scope of the order is dispositive.

Amended Final Results of Review

Upon correction of the ministerial error, we have determined that the margin remains unchanged from the amended final results published on January 15, 1997. However, as discussed above, importer specific assessment rates will change and we will instruct Customs accordingly.

Manufacturer/exporter	Time period	Margin (percent)
Saha Thai/SAF	3/1/94–2/28/95	7.27

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between United States price and normal value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of certain circular welded carbon steel pipes and tubes from Thailand entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the reviewed companies will be the rates for those firms as stated above; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.67 percent for circular welded carbon steel pipes and tubes, the all others rate established in the LTFV investigations. See *Final Determination and Antidumping Duty Order: Certain Welded Carbon Steel Pipes and Tubes from Thailand,* (51 FR 8341, March 11, 1986).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation. This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.28(c).

Dated: February 13, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–4632 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–580–815 & A–580–816]

Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea; Extension of Time Limits for Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Extension of time limits for antidumping duty administrative reviews of certain cold-rolled and corrosion-resistant carbon steel flat products from Korea.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limits for the preliminary results of the third antidumping duty administrative reviews of the antidumping orders on certain cold-rolled and corrosion-resistant carbon steel flat products from Korea. These reviews cover three manufacturers and exporters of the subject merchandise: Dongbu Steel Co., Ltd., Union Steel Manufacturing Co., Ltd., and Pohang Iron and Steel Co., Ltd. The period of review is August 1, 1995 through July 31, 1996.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Alain Letort or John R. Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230, telephone (202) 482–4243 or 482–0649, respectively.

SUPPLEMENTARY INFORMATION: The Department initiated these administrative reviews on September 16, 1996 (61 FR 48882). Because it is not practicable to complete these reviews within the time limits mandated by section 751(a)(3)(A) of the Tariff Act of 1930 (''the Act'), as amended by the Uruguay Round Agreements Act of 1994, the Department is extending the time limits for the preliminary results of the aforementioned reviews to August 1, 1997. See memorandum from Joseph A. Spetrini to Robert S. LaRussa, which is on file in Room B–099 at the Department's headquarters.

This extension of time limits is in accordance with section 751(a)(3)(A) of the Act.

Dated: February 18, 1997.

Joseph A. Spetrini

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 97–4508 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–830]

Coumarin From the People's Republic of China: Amended Order and Final Determination of Antidumping Duty Investigation in Accordance With Decision Upon Remand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Amendment to final determination of antidumping duty investigation in accordance with decision upon remand.

SUMMARY: On May 9, 1996, the Court of International Trade (CIT) remanded to the Department of Commerce, International Trade Administration (the Department), one issue arising from the antidumping determination titled Final Determination of Sales at Less Than Fair Value: Coumarin From the People's Republic of China (59 FR 66895, December 28, 1994).

Pursuant to the remand order, the Departmental filed its *Remand Determination: Rhone-Poulenc, Inc.* v. *United States,* Court No. 95–03–00275, on September 23, 1996. Upon finding errors in the Remand Determination, the Department filed its *Amended Remand Determination: Rhone-Poulenc, Inc.* v. *United States* on October 3, 1996 (the ''Amended Remand Results''). In

accordance with the remand order, the Department reconsidered its valuation of the by-products of coumarin production in light of the presence of impurities, recalculated the value of the by-products, and adjusted the subject PRC exporters' dumping margins accordingly. The Department applied best information available (BIA) in revaluing Tianjin Native Produce Import and Export Corporation's by-products because of the company's failure to provide information in response to the Department's remand questionnaire. After recalculation, the Department revised the final determination margins, as shown below.

In plaintiff's comments to the Department's Amended Remand Results, filed October 7, 1996, Rhone-Polenc indicated its concurrence with said results and asked that they be affirmed by the CIT. The Cit affirmed and dismissed (*Rhone-Poulenc, Inc.,* v. *United States,* Slip Op. 97–15 (dated February 4, 1997).

EFFECTIVE DATE: July 30, 1994, pursuant to the CIT's preliminary injunction dated July 7, 1995 (see ''Suspension of Liquidation'' section).

FOR FURTHER INFORMATION CONTACT: David J. Goldberger, Office 5, AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1994, the Department published its Notice of Final Determination of Sales at Less Than Fair Value: Coumarin from the People's Republic of China (59 FR 66895). In its final determination, the Department calculated the foreign market value (FMV) for each exporter by valuing the factors of production according to the appropriate surrogate value, in accordance with Section 773(c)(2)–(4) of the Tariff Act of 1930, as amended. In the LTFV investigation, the Department had offset the cost of manufacturing by the surrogate value of the by-products recovered, *i.e.,* acetic acid, hydrochloric acid and alcohol, as adjusted (where appropriate) only for concentration levels. The CIT remanded the final determination to the Department for reconsideration of its valuation of the by-products for Changzhou, Jiangsu Native's supplier, and Tianjin Perfumery, Tiajin Native's supplier, to either take into account whether there were impurities, and their effect on value, or alternatively, to present valid reasons for the Department's failure to determine the effect of impurities on the value of the by-products.

Remand Results

The Department set about requesting and obtaining information to determine whether there were impurities in the by-products in question. Both petitioner and Changzhou submitted information in this regard, but Tianjin Perfumery did not respond to a questionnaire or provide any other information for the remand proceeding. In addition, the Department obtained information concerning acetic acid from *Chemical Business,* an Indian publication used as the source for a number of surrogate values in the original proceeding and also consulted with chemical industry specialist at the International Trade Commission (ITC). In the LTFV investigation, the Department had valued by-product acetic acid as glacial acetic acid, which has a concentrated level of 99% purity. However, for the remand, in comparing the chemical specification of glacial acetic acid provided by *Chemical Business* to the composition of Changzhou's recovered acetic acid, we found that Changzhou's recovered acetic acid was not glacial acetic acid. As a result, for the remand, the Department attempted to find a value from the surrogate country that best approximated the recovered acetic acid reported.

Acetic Acid

For the remand, Changzhou provided the Department with the actual percentage of acetic acid (97%–98%) found in its recovered acetic acid resulting from its production of coumarin during the POI. Changzhou also indicated that it did not have any impurities in its recovered acidic acid. The Department was able to obtain additional information on Indian price data for recovered acetic acid at a concentration level comparable to Changzhou's actual recovered acetic acid. However, neither the Department nor the petitioner was able to obtain any information as to what impurities may also be present in the recovered acetic acid. The price quote was corroborated by the Department through the research performed by the U.S. Consulate General in Mumbai, India. It appeared that recovered acetic acid of 97–98% concentrate is not typically traded in India, but at least two Indian companies offered this product for sale. The Consulate General contacted the source of the July 1996 written price quote that petitioner had submitted for the remand and confirmed that this company offered 96%–98% recovered acetic acid at the price reported by petitioner. We determined that this price quote would take into account whatever impurities may exist. As a result, we revised our valuation of Changzhou's recovered acetic acid using this verified Indian price quote, after making adjustments.

Our recalculation adjusted the tax-exclusive POI glacial acetic acid value, which the Department had obtained in the LTFV investigation from *Chemical Weekly,* an Indian industry publication, to reflect a recovered acetic acid value of 96–98% percent concentration. This adjustment was based on the percentage difference between the price levels of these two grades of acetic acid as observed in July 1996. The resulting POI surrogate value for this by-product factor more accurately reflects the actual concentration level of the Changzhou product as well as the price impact of any chemical impurities that might be present at that concentration level.

Hydrochloric Acid

For the remand, Changzhou stated that there were no impurities in its recovered hydrochloric acid, apart from water. In consultation with the ITC, the Department determined that the presence of any alleged impurities (*i.e.* other than water) was insignificant and would not affect the value for Changzhou's recovered hydrochloric acid. Further, the Department determined that the water present in the hydrochloric acid only affected the value by establishing the concentration level. In our LTFV calculation, we had already reduced the surrogate value of Changzhou's recovered hydrochloric acid to account for its lower concentration level compared to standard commercial grades. However, for the remand, the Department also obtained additional information on the standard commercial grades of hydrochloric acid, ranging from petitioner's 31.45% grade to the 36% grade found in the *The Merck Index* which was used by the ITC chemists. These two grades fall within the range of standard commercial grades of 28% to 37% described in *The Condensed Chemical Dictionary*. In the LTFV investigation, we used the midpoint of this range, 32.5%, as the average commercial grade, and then adjusted the surrogate value for this by-product by the ratio of Changzhou's verified concentration level to the average commercial concentration. For these remand results, we found no basis to further adjust the surrogate value.

Because Tianjin Perfumery did not respond to our questionnaire, we drew adverse inferences regarding the extent

to which impurities reduced the value of its recovered acetic acid. Therefore, as BIA, we discounted this value by 52%, the amount calculated by petitioner, based on the lowest price on the LTFV investigative record for recovered acetic acid of unknown specifications sold in India. Additionally, we had no information on the impurities present in Tianjin Perfumery's hydrochloric acid. As BIA, we drew the adverse inference that it contained impurities which reduced its value. We had no information on the record from which to quantify the effect of these impurities beyond the adjustment for the concentration percentage. However, the Department had verified that this by-product was sold, and not given away, to unrelated parties during the POI. Therefore, as BIA, we did not value hydrochloric acid at zero. Rather, for the remand, instead of using petitioner's price quote as BIA as we did in the final LTFV determination, we used price information from export statistics which was lower. Finally, since Tianjin Perfumery refused to provide information about the impurities present in its alcohol by-product, as BIA, we made the adverse inference that the effect of impurities is great enough to render negligible the value of the recoverable alcohol. Accordingly, we revised Tianjin Perfumery's FMV calculation by valuing the offset for the recovered alcohol as zero.

On February 4, 1997, the CIT affirmed the remand results of the Department in the matter of: Coumarin from the People's Republic of China; Final Determination of Sales at Less Than Fair Value, *Rhone Poulenc, Inc.* v. *United States,* Court No. 95–03–00275 (May 9, 1996). As a result, the margins changed as listed below.

Suspension of Liquidation

During the pendency of the court suit, on July 7, 1995, the Court of International Trade preliminarily enjoined liquidation on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 30, 1994, the date of publication of the preliminary determination in the LTFV investigation. Therefore, because no request for review was made in the anniversary month of the first review, and in accordance with 19 USC 1516a(e)(2), the Department will instruct the Customs Service to liquidate entries from July 30, 1994, up to and including February 29, 1996, the period of the first review, at the rates set forth below. Additionally, the Department will instruct the Customs Service to collect cash deposits at these same rates for entries of subject merchandise occurring on or after March 1, 1996.

Conclusion

For the reasons stated above, we have re-calculated the LTFV margins as follows:

Exporter	Margin (percent)
Jiangsu Native Produce Import and Export Corp.	31.02.
Tiangin Native Produce Import and Export Corp.	70.45.
PRC-Wide Rate	160.80 (no change).

Dated: February 18, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–4509 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DS–M

[A–560–801, A–570–844, A–583–825]

Notice of Antidumping Duty Orders and Amendment to Final Determination: Melamine Institutional Dinnerware Products From Indonesia, the People's Republic of China, and Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 25, 1997.

FOR FURTHER INFORMATION CONTACT: Everett Kelly or David J. Goldberger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4194, or (202) 482–4136, respectively.

Amended Final Determination

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on January 6, 1997, the Department of Commerce (the Department) made its final determinations that melamine institutional dinnerware from Indonesia, the People's Republic of China (PRC), and Taiwan is being sold at less than fair value (62 FR 1708–1733, January 13, 1997).

After publication of our final determinations, the American Melamine Institutional Dinnerware Association, the petitioner in these cases, alleged that the Department committed certain ministerial errors in calculating the margins in these investigations. We have determined that ministerial errors were committed in calculating the margin from the Indonesian respondent P.T. Multi Rayah Indah Abah (Multiraya) (See, Memoranda to the file dated January 31, 1997, and February 3, 1997).

We are amending the final determination of the antidumping investigation of melamine institutional dinnerware from Indonesia to correct the ministerial error in the calculation for Multiraya. The correct cash deposit rate for Multiraya and the ''all others'' category producers/exporters of the subject merchandise from Indonesia is 8.95 percent.

With respect to the Department's final determinations for melamine institutional dinnerware from the PRC and Taiwan, the Department determined that certain corrections to these determinations were appropriate (see Memoranda to the file dated January 30 (Taiwan) and 31 (PRC), 1997). However, these corrections did not alter the margin percentages in the Taiwan case, nor alter the *de minimis* finding in the PRC case. Therefore, no amendments to the final determinations are necessary.

Scope of Orders

The merchandise covered by these orders is all items of dinnerware (*e.g.,* plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight, have a minimum wall thickness of 0.08 inch, and are intended for use by institutions such as schools, hospitals, cafeterias, restaurants, and nursing homes. Melamine dinnerware that meets the physical characteristics described above that is generally sold to the retail sector and intended for use by households is not covered by these orders. Excluded as well from the scope of these orders are flatware products (*e.g.,* knives, forks, and spoons).

The merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these orders is dispositive.

Antidumping Duty Orders

In accordance with section 735(a) of the Act, the Department made its final determinations that melamine institutional dinnerware from Indonesia, the PRC, and Taiwan is being sold at less than fair value (62 FR 1708–1733, January 13, 1997). On February 18, 1997, the International Trade

Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of the subject merchandise from Indonesia, the PRC, and Taiwan. In its final determination, the ITC determined that two like products exist for the merchandise covered by the Commerce investigations: (a) Melamine dinnerware for institutional uses, and (b) melamine dinnerware for non-institutional uses. The ITC's affirmative injury determination covered only melamine dinnerware for institutional uses. Accordingly, the scope of the antidumping duty orders, as described above, reflects the ITC's distinction between institutional and non-institutional uses.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or the constructed export price) of the merchandise for all relevant entries of melamine institutional dinnerware from Indonesia, the PRC, and Taiwan, except for imports from the PRC manufactured and sold to the United States by Chen Hao (Xiamen) Plastic Industrial Co. Ltd. (''Chen Hao Xiamen''), Gin Harvest Melamine (Heyuan) Enterprises Co. Ltd. (''Gin Harvest''), and Sam Choan Plastic Co. Ltd. (''Sam Choan''), and for imports from Taiwan sold by Yu Cheer Industrial Co., Ltd. (''Yu Cheer''). Accordingly, all bonds may be released and entries of these exporters may be liquidated without regard to antidumping duties. For all other exporters, Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The ''All Others'' or ''PRC-wide'' rate listed for each country applies to all exporters of melamine institutional dinnerware not specifically listed below. For melamine dinnerware products intended for sale to the retail sector and for use by households, importers shall maintain on file a declaration as to the intended use of the imported merchandise. If the Customs officer is satisfied that the intended use of the imported merchandise is not for institutional purposes, the entry will not be covered by this order.

The ad valorem weighted-average dumping margins are as follows:

Producer/manufacturer/exporter	Margin percentage
I. Indonesia:	
P.T. Mayer Crocodile	12.90.
P.T. Multi Raya Indah Abah.	8.95.
All Others	8.95.
II. People's Republic of China:	
Chen Hao (Xiamen) Plastic Industrial Co. Ltd.	0.46 (*de minimis*).
Gin Harvest Melamine (Heyuan) Enterprises Co. Ltd.	0.47 (*de minimis*).
Sam Choan Plastic Co. Ltd.	0.04 (*de minimis*).
Tar-Hong Melamine Xiamen Co. Ltd.	2.74.
PRC-Wide Rate	7.06.
III. Taiwan:	
Chen Hao Plastic Industrial Co., Ltd.	3.25.
Yu Cheer Industrial Co., Ltd.	0.00.
IKEA Trading Far East Ltd	53.13.
Gallant Chemical Corporation.	53.13.
All Others	3.25.

This notice constitutes the antidumping duty orders with respect to melamine institutional dinnerware from Indonesia, the PRC, and Taiwan. The Department is excluding from the application of the orders products from Taiwan manufactured and sold to the United States by Yu Cheer. The Department is also excluding products from the PRC that are manufactured and sold to the United States by Chen Hao Xiamen, Gin Harvest, and Sam Choan; however, the ad valorem weighted-average dumping margin applicable to melamine institutional dinnerware manufactured by any other PRC manufacturer and exported by any of these companies is 7.06 percent (the PRC-wide rate).

Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are published in accordance with section 736(a) of the Act.

Dated: February 18, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–4510 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Notice of Compilation of Individuals and Companies That Are Prepared To Provide Guidance Regarding Doing Business in the Pacific Islands

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The International Trade Administration (ITA) is compiling a list of individuals and companies that are prepared to provide guidance regarding doing business in the Pacific Islands. ITA invites interested parties to express their interest to the Office of South Asia and Oceania.

DATES: Interested parties will be retained on the list for a period of two years. A party may request that it be removed from the list at an earlier date.

ADDRESSES: Send by fax expressions of interest to the Department's Office of South Asia and Oceania at (202) 482–5330. Letters may be sent to: U.S. Department of Commerce, Office of South Asia and Oceania, 14th and Constitution Ave. N.W., Rm. 2308, Washington D.C. 20230.

FOR FURTHER INFORMATION: Contact Kent Stauffer at the above address, or at telephone number (202) 482–2955.

SUPPLEMENTARY INFORMATION: The Office of South Asia and Oceania coordinates activity for the U.S. side of the United States-Pacific Island Nations Joint Commercial Commission (JCC). The Island side is comprised of the following thirteen countries: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Republic of the Marshall Islands, Solomon Islands, Tonga, Tuvalu, Vanuatu, Western Samoa.

The JCC plans to produce a listing of individuals and firms (Counselors) that are familiar with the business conditions and government procedures in the Pacific Islands. Interested individuals and firms should have extensive business experience and/or have worked with governments in fields involving economic developments in the region. The Counselors will serve without compensation from ITA or the JCC. The JCC will maintain and publicize a register of names for referral purposes. The Counselors will have access to JCC-generated information and will provide a link to people in the private sector seeking experienced guidance about doing business in the region.

Dated: February 5, 1997.

Nancy Linn Patton,

Deputy Assistant Secretary for Asia and the Pacific.

[FR Doc. 97–4504 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–DA–P

National Institute of Standards and Technology

Notice of Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

SUMMARY: This is a notice in accordance with 35 USC 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States to practice the invention embodied in U.S. Patent Application Number 08/487,557, titled, ''Pre-Ceramic Polymers in Fabrication of Ceramic Composites,'' in the field of use of dental and costmetic products, to Vident, having a place of business in Brea, California.

FOR FURTHER INFORMATION CONTACT: Bruce E. Mattson, National Institute of Standards and Technology, Industrial Partnerships Program, Building 820, Room 213, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prosective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent Application Number 08/487,557 provides composites in the form of a three-dimensional framework or skeleton of ceramic particles which are formed by a low cost, low temperature sintering process which decomposes a pre-ceramic inorganic or organic precursor.

NIST may enter into a Cooperative Research and Development Agreement (''CRADA'') with the licensee to perform further research on the invention for purposes of commercialization. NIST may grant the licensee an option to negotiate for exclusive licenses to any jointly owned inventions which arise from the CRADA as well as an option to negotiate for exclusive royalty-bearing licenses for NIST employee inventions which arise from the CRADA.

The availability of the invention for licensing was published in the Federal Register, Vol. 61, No. 107 (June 2, 1996). A copy of the patent application may be obtained from NIST at the Foregoing Address.

Dated: February 6, 1997.

Elaine Bunten-Mines,

Director, Program Office.

[FR Doc. 97–4615 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 021897A]

Mid-Atlantic Take Reduction Team

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of establishment of team and public meeting.

SUMMARY: The Take Reduction Team to address bycatch of harbor porpoise in U.S. mid-Atlantic gillnet fisheries is established February 25, 1997 and will hold its first meeting to develop a Take Reduction Plan as described in the Marine Mammal Protection Act (MMPA) focusing on reducing bycatch in these fisheries.

DATES: The team is established as of February 25, 1997. The first meeting of the team will be held on March 4–5, 1997, from 8:30 a.m. to 5:30 p.m. Future meetings are tentatively scheduled for April 23–24, 1997, and June 3–4, 1997.

ADDRESSES: The first meeting will be held at the Holiday Inn SunSpree Resort, 3900 Atlantic Avenue, Virginia Beach, VA 23451. Future meetings are tentatively scheduled for Salisbury, MD, (April) and Washington, D.C. (June).

FOR FURTHER INFORMATION CONTACT: Victoria Cornish, (301) 713-2322.

SUPPLEMENTARY INFORMATION: On April 30, 1994, the 1994 Amendments to the MMPA were signed into law. Section 117 of the MMPA requires that NMFS complete stock assessment reports for all marine mammal stocks within U.S. waters. Each stock assessment report is required to categorize the status of the stock as one that either has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population; or is a strategic stock, with a description of the reasons therefore; and estimate the potential biological removal (PBR) level for the stock, describing the information used to calculate it, including the recovery factor. Stock Assessment Reports and the calculated PBR were published by NMFS in July 1995.

The MMPA defines a ''strategic stock'' as a marine mammal stock for which the level of direct human-caused mortality exceeds the PBR level; which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 (ESA) within the foreseeable future; which is listed as a threatened species or endangered species under the ESA, or is designated as depleted under the MMPA. The MMPA further defines the term ''potential biological removal,'' or PBR, as ''the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.''

Mid-Atlantic gillnet fisheries interact with the Gulf of Maine/Bay of Fundy stock of harbor porpoise (supporting documentation at 60 FR 67063, December 28, 1995). This stock is considered strategic under the MMPA because the level of human-caused mortality is greater than its PBR levels.

Section 118(f) of the MMPA requires NMFS to establish a Take Reduction Team to prepare a draft Take Reduction Plan designed to assist in the recovery or prevent the depletion of each strategic marine mammal stock that interacts with certain fisheries. Section 118(f)(6)(C) requires that members of Take Reduction Teams have expertise regarding the conservation or biology of the marine mammal species that the plan will address, or the fishing practices that result in the incidental mortality and serious injury of such species. The MMPA further specifies that members of the team shall include representatives of Federal agencies, each coastal state with fisheries that interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations, or Indian tribal organizations, and others as deemed appropriate.

As a result of an extended interview process conducted by a NMFS-contracted facilitator, NMFS has asked the following individuals to be a member of the team, which will focus on reducing bycatch of harbor porpoise taken as bycatch in U.S. mid-Atlantic gillnet fisheries: Erik Anderson, independent fisher, New Hampshire, and member of the New England Fishery Management Council; Herb Austin, fishery scientist, Virginia

Institute of Marine Science; Susan Barco, marine mammal scientist, Virginia Science Museum; Charles Bergman, independent fisher, New Jersey, and member of the Mid-Atlantic Fishery Management Council; Ernie Bowden, independent fisher, Virginia, and member of the Eastern Shore Watermen's Association; David Bower, fishery manager, Virginia Marine Resources Commission; Kevin Chu, fishery biologist, National Marine Fisheries Service; Victoria Cornish, fishery biologist, National Marine Fisheries Service; Gordon Elliott, independent fisher, North Carolina; Bruce Halgren, fishery manager, New Jersey Division of Fish, Game and Wildlife; Thomas Hoff, fishery scientist, Mid-Atlantic Fishery Management Council; George LaPointe, fishery scientist, Atlantic States Marine Fisheries Commission; Matt Linnell, independent fisher, Massachusetts; Richard Luedtke, independent fisher, New Jersey; Bridget Mansfield, fishery biologist, National Marine Fisheries Service, Rick Marks, fishery scientist, North Carolina Fisherman's Association; Dave Martin, independent fisher, Martin Fish Company; William McLellan, marine mammal scientist, University of North Carolina; Robert Munson, independent fisher, New Jersey; Jeff Oden, independent fisher, North Carolina; Bill Outten, fishery manager, Maryland Department of Natural Resources; Andrew Read, marine mammal scientist, Duke University; Tom Smith, independent fisher, Maryland; Michael Street, fishery manager, North Carolina Division of Marine Fisheries; Leonard Voss, Jr., independent fisher, Delaware; Rob West, independent fisher, North Carolina; Nina Young, conservationist, Center for Marine Conservation; Sharon Young, conservationist, Humane Society of the United States. Other individuals from NMFS, state and Federal agencies may be present as observers or for their scientific expertise. The team will be facilitated by RESOLVE Center for Environmental Dispute Resolution, Washington, DC.

The team is officially established upon publication of the first meeting notice in the Federal Register. NMFS fully intends to convene the Take Reduction Team process in a way that provides for national consistency yet accommodates the unique regional needs and characteristics of the team. Take Reduction Teams are not subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings are open to the public.

Dated: February 19, 1997.

Patricia A. Montanio

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–4591 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 020697A]

Formation of Advisory Panels for National Academy of Sciences Study on Individual Fishing Quotas

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: Notice is hereby given that NMFS is accepting nominations for two advisory panels for an Individual Fishing Quota (IFQ) study to be conducted by the National Academy of Sciences' National Research Council (NRC). This action is taken to comply with the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Act of 1996.

DATES: Interested parties should submit a statement of interest by March 24, 1997. See **SUPPLEMENTARY INFORMATION** for specific details about the statement.

ADDRESS: Send statements of interest to the Director of the Office of Science and Technology, NMFS, 1315 East-West Highway, Silver Spring, MD, 20910.

FOR FURTHER INFORMATION CONTACT: Amy Gautam, NMFS, Office of Science and Technology. Telephone: (301)713–2328.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act of 1996, mandates that ''The Secretary of Commerce shall, in consultation with the National Academy of Sciences, the Councils, the fishing industry, affected States, conservation organizations and other interested persons, establish two individual fishing quota review groups to assist in the preparation of the report, which shall represent: (A) Alaska, Hawaii, and the other Pacific coastal States; and (B) Atlantic coastal States and the Gulf of Mexico coastal States. The Secretary shall, to the extent practicable, achieve a balanced representation of viewpoints among the individuals on each review group * * *'' Therefore, NMFS is establishing two advisory panels, one serving the East coast and one serving the West coast.

The East and Wast coast panels will be comprised of no more than fifteen members each. Members of the panels will serve as technical advisors to the NRC committee with respect to any issues relating to IFQ implementation. Members may give expert testimony at the public hearings on IFQs. Members may also be asked to assist in the facilitation of NOAA's public hearings in terms of developing questions to be asked at the hearings and in guiding the discussions. Members will be expected to attend one public hearing or one public NRC meeting on IFQs but will not be asked to attend NRC committee meetings. No other meetings are anticipated for the advisory panels. There is no compensation for membership on an advisory panel. NMFS will pay for the travel of each advisory panel member to one public hearing or one NRC public meeting on IFQs. Finally, the advisory panels will serve as an ''information clearinghouse.''

Interested parties should submit a statement of interest. The statement should include a description of the nominee's background and experience, particularly with respect to IFQs; current occupation and position; reasons for wishing to participate on an advisory panel; and a statement identifying why the nominee should be considered for membership on an advisory panel. Interested parties need not include additional letters of support or sponsorship other than their own self-nominating statements. NMFS will announce the selection of advisory panel members no later than April 14, 1997.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1997.

Rolland A. Schmitten,

Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 97–4592 Filed 2–24–97; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Tuesday, March 4, 1997, 10:00 a.m.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sayde E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: February 21, 1997.

Sayde E. Dunn,

Secretary.

[FR Doc. 97–4784 Filed 2–21–97; 2:06 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Scientific Advisory Board Closed 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 Scientific Advisory Board has been scheduled as follows:

DATES: 12–13 March 1997 (800 am to 1600 pm).

ADDRESS: The Defense Intelligence Agency, Bolling AFB, Washington, D.C. 20340–5100.

FOR FURTHER INFORMATION CONTACT: Maj Michael W. Lamb, USAF, Executive Secretary, DIA Scientific Advisory Board, Washington, D.C. 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(I), 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: February 20, 1997.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 97–4561 Filed 2–24–97; 8:45 am]

BILLING CODE 5000–04–M

Defense Intelligence Agency, Scientific Advisory Board Closed 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 Scientific Advisory Board has been scheduled as follows:

DATES: March 11–12, 1997 (800 am to 1600 pm).

ADDRESSES: The Defense Intelligence Agency, Bolling AFB, Washington, D.C. 20340–5100.

FOR FURTHER INFORMATION CONTACT: Maj Michael W. Lamb, USAF, Executive Secretariat, DIA Scientific Advisory Board, Washington, D.C. 20340–1328, (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(I), 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: February 20, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–4562 Filed 2–24–97; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the National Defense Panel

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the first meeting of the National Defense Panel, and describes the functions of the Panel. The meeting will be closed to the public, in accordance with U.S. Code Title 552b, (c)(1) in order for the panel to discuss classified material. Notice of this meeting is required under the Federal Advisory Committee Act, (Pub. L. 92–463). Notice of this meeting is less than fifteen days prior to the meeting due the Panel's delayed selection and the Panel members' subsequent need to meet at the earliest date possible.

DATES: February 27, 1997.

ADDRESSES: Room 3E912, Pentagon, Washington, DC 20310–1010.

SUPPLEMENTARY INFORMATION: The National Defense Panel was established January 24, 1997 by the Military Force Structure Review Act of 1996, Pub. L. 104–201, and will expire after December 15, 1997. The purpose of the Panel is to provide the Secretary of Defense and the Congress with an independent, nonpartisan assessment of the Secretary's Quadrennial Defense Review. The Panel will also provide the Secretary and the Congress by December 15, 1997 with an Alternate Force Structure Analysis that will explore innovative ways to meet the national security challenges of the Twenty-First century.

PROPOSED SCHEDULE AND AGENDA: The National Defense Panel will meet in closed session from approximately 12:00 PM until 3:30 PM on February 27, 1997. The Panel will discuss classified intelligence information on the international security environment provided to the Panel by the Defense Intelligence Agency and the National Intelligence Council.

FOR FURTHER INFORMATION CONTACT: Please call the National Defense Panel at (703) 697–5136.

Dated: February 19, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–4564 Filed 2–24–97; 8:45 am]

BILLING CODE 5000–04–M

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 192. This bulletin lists revisions in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 192 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: March 1, 1997.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 191. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the Federal

Register now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5000–04–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:				
ANCHORAGE				
05/01 -- 09/30	147	66	213	02/01/97
10/01 -- 04/30	81	60	141	02/01/97
ANCHORAGE NAVAL RESERVE CENTER				
05/01 -- 09/30	147	66	213	02/01/97
10/01 -- 04/30	81	60	141	02/01/97
BARROW	110	76	186	03/01/96
BETHEL	93	61	154	02/01/97
CORDOVA	74	72	146	02/01/97
CRAIG				
05/01 -- 08/31	97	96	193	03/01/96
09/01 -- 04/30	75	94	169	03/01/96
DELTA JUNCTION	75	64	139	02/01/97
DUTCH HARBOR-UNALASKA	110	75	185	02/01/97
EARECKSON AIR STATION	75	60	135	02/01/97
EIELSON AFB				
05/16 -- 09/14	121	60	181	02/01/97
09/15 -- 05/15	75	55	130	02/01/97
ELMENDORF AFB				
05/01 -- 09/30	147	66	213	02/01/97
10/01 -- 04/30	81	60	141	02/01/97
FAIRBANKS				
05/16 -- 09/14	121	60	181	02/01/97
09/15 -- 05/15	75	55	130	02/01/97
FT. GREELY	75	64	139	02/01/97
FT. RICHARDSON				
05/01 -- 09/30	147	66	213	02/01/97
10/01 -- 04/30	81	60	141	02/01/97
FT. WAINWRIGHT				
05/16 -- 09/14	121	60	181	02/01/97
09/15 -- 05/15	75	55	130	02/01/97
HOMER				
05/01 -- 09/30	116	64	180	02/01/97
10/01 -- 04/30	90	61	151	02/01/97
JUNEAU	89	79	168	02/01/97
KENAI-SOLDOTNA				
05/01 -- 09/30	94	61	155	02/01/97
10/01 -- 04/30	74	59	133	02/01/97
KETCHIKAN				
05/01 -- 09/30	99	77	176	02/01/97
10/01 -- 04/30	83	75	158	02/01/97

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KING COVE	85	69	154	03/01/96
KING SALMON	77	68	145	03/01/96
KLAWOCK				
05/01 -- 08/31	97	96	193	03/01/96
09/01 -- 04/30	75	94	169	03/01/96
KODIAK	88	72	160	02/01/97
KULIS AGS				
05/01 -- 09/30	147	66	213	02/01/97
10/01 -- 04/30	81	60	141	02/01/97
MURPHY DOME				
05/16 -- 09/14	121	60	181	02/01/97
09/15 -- 05/15	75	55	130	02/01/97
NOME	93	76	169	02/01/97
PETERSBURG	82	58	140	02/01/97
SEWARD				
05/01 -- 09/15	114	74	188	02/01/97
09/16 -- 04/30	78	71	149	02/01/97
SITKA-MT. EDGECOMBE				
04/01 -- 10/31	97	63	160	02/01/97
11/01 -- 03/31	86	62	148	02/01/97
SKAGWAY				
05/01 -- 09/30	99	77	176	02/01/97
10/01 -- 04/30	83	75	158	02/01/97
SPRUCE CAPE	88	72	160	02/01/97
TANANA	93	76	169	02/01/97
VALDEZ				
05/15 -- 09/15	105	65	170	02/01/97
09/16 -- 05/14	84	64	148	02/01/97
WASILLA	89	65	154	02/01/97
WRANGELL				
05/01 -- 09/30	99	77	176	02/01/97
10/01 -- 04/30	83	75	158	02/01/97
[OTHER]	75	60	135	02/01/97
AMERICAN SAMOA:				
AMERICAN SAMOA	73	53	126	03/01/97
GUAM:				
ANDERSEN AFB 2/	190	85	275	05/01/96
GUAM	190	85	275	05/01/96
NAVAL AIR STATION 2/	190	85	275	05/01/96
NAVAL COMM STATION 2/	190	85	275	05/01/96
NAVAL STATION 2/	190	85	275	05/01/96
US NAVAL HOSPITAL 2/	190	85	275	05/01/96

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
HAWAII:				
CAMP H M SMITH	110	70	180	07/01/96
EASTPAC NAVAL COMP TELE AREA	110	70	180	07/01/96
FT. DERUSSEY	110	70	180	07/01/96
FT. SHAFTER	110	70	180	07/01/96
HICKAM AFB	110	70	180	07/01/96
HONOLULU NAV & MC RESERVE CTR	110	70	180	07/01/96
ISLE OF HAWAII: HILO	74	60	134	07/01/96
ISLE OF HAWAII: OTHER	105	63	168	07/01/96
ISLE OF KAUAI	114	75	189	07/01/96
ISLE OF KURE	10	8	18	07/01/96
ISLE OF MAUI				
04/16 -- 12/14	100	63	163	07/01/96
12/15 -- 04/15	113	65	178	07/01/96
ISLE OF OAHU	110	70	180	07/01/96
KANEOHE BAY MC BASE	110	70	180	07/01/96
KEKAHA PACIFIC MISSILE RANGE FAC	114	75	189	07/01/96
KILAUEA MILITARY CAMP	74	60	134	07/01/96
LULUALEI NAVAL MAGAZINE	110	70	180	07/01/96
NAS BARBERS POINT 2/	110	70	180	07/01/96
PEARL HARBOR AFLOAT TNG GRP, MIDDLE	110	70	180	07/01/96
PEARL HARBOR NAVAL COMPLEX	110	70	180	07/01/96
PEARL HARBOR NAVAL SUBMARINE BASE	110	70	180	07/01/96
PEARL HARBOR NAVY PUBLIC WORKS CTR	110	70	180	07/01/96
SCHOFIELD BARRACKS	110	70	180	07/01/96
WHEELER ARMY AIRFIELD	110	70	180	07/01/96
[OTHER]	79	62	141	06/01/93
JOHNSTON ATOLL:				
JOHNSTON ATOLL	22	24	46	07/01/96
MIDWAY ISLANDS:				
MIDWAY ISLAND NAVAL AIR FACILITY	60	13	73	02/01/97
MIDWAY ISLANDS	60	13	73	02/01/97
NORTHERN MARIANA ISLANDS:				
ROTA	83	90	173	05/01/96
SAIPAN	138	89	227	05/01/96
TINIAN	61	72	133	06/01/95
[OTHER]	20	13	33	12/01/90

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
PUERTO RICO:				
BAYAMON				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
CAROLINA				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
DORADO				
04/01 -- 12/21	164	83	247	10/01/96
12/22 -- 03/31	300	96	396	10/01/96
FAJARDO [INCL CEIBA, LUQUILLO & HUMACAO]				
05/01 -- 11/23	70	64	134	10/01/96
11/24 -- 04/30	114	68	182	10/01/96
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
LUIS MUNOZ MARIN IAP AGS				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
MAYAGUEZ	90	58	148	02/01/97
PONCE	107	58	165	10/01/96
ROOSEVELT ROADS				
05/01 -- 11/23	70	64	134	10/01/96
11/24 -- 04/30	114	68	182	10/01/96
ROOSEVELT ROADS NAS 2/				
05/01 -- 11/23	70	64	134	10/01/96
11/24 -- 04/30	114	68	182	10/01/96
SABANA SECA				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
SABANA SECA US NAVAL SEC GRP ACT				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
SAN JUAN				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
SAN JUAN US NAVAL RESERVE STATION				
05/01 -- 12/14	102	60	162	10/01/96
12/15 -- 04/30	130	63	193	10/01/96
[OTHER]	70	50	120	10/01/96
VIRGIN ISLANDS (U.S.):				
ST. CROIX	127	78	205	08/01/96

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ST. JOHN				
04/16 -- 12/21	242	89	331	08/01/96
12/22 -- 04/15	391	100	491	08/01/96
ST. THOMAS				
04/12 -- 12/15	168	93	261	08/01/96
12/16 -- 04/11	268	103	371	08/01/96
WAKE ISLAND:				
WAKE ISLAND	40	35	75	10/01/96

Dated: February 20, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–4563 Filed 2–24–97; 8:45 am]

BILLING CODE 5000–04–C

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Management Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by March 31, 1997.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Written comments regarding the regular clearance and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506(c)(2)(A) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 19, 1997.

Gloria Parker,

Director, Information Resources Management Group.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Application for Special Projects Grants Under Library Services for Indian Tribes and Hawaiian Natives Program

Abstract: This form allows Indian Tribes to apply for Special Projects grants under Section 404 of the Library Services for Indian Tribes and Hawaiian Natives Program, Title IV of the Library Services and Construction Act, as amended.

Additional Information: Although Library Services and Construction Act, Title IV (LSCA IV) was technically repealed by the 104th Congress and new legislation—the Library Services and Technology Act—was enacted, the LSCA IV program will continue in FY 1997. Since this continues to be a Department program, it must again operate under the Department of Education regulations and procedures. Although this package was cleared last year, program regulations, including the evaluation criteria, have since been abolished, thus requiring this emergency clearance request.

It is essential that grant awards be made in a timely manner, allowing grantees to begin and conduct projects without delay. Also, it is essential that Library Programs staff be able to provide an acceptable level of customer service to potential applicants, providing timely responses to their technical questions concerning the competition. An emergency clearance of March 31 would ensure both an acceptable level of customer service and the timely awarding of grants.

Frequency: One time.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden: responses, 75; burden hours, 600.

[FR Doc. 97–4543 Filed 2–24–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–185–004]

Algonquin Gas Transmission Company; Notice of Refund Report

February 19, 1997.

Take notice that on February 5, 1997, Algonquin Gas Transmission Company (Algonquin Gas) tendered for filing a Refund Report showing that on January 7, 1997, it issued refunds (or surcharges) to its customers as required by the Stipulation and Agreement in Docket No. RP93–14–000.

Algonquin Gas states that the refunds totaled $36,070.28, including $1,006.08 in interest, and were calculated for the period May 1, 1996, to October 31, 1996.

Algonquin Gas also states that copies of the filing were served upon its customers and all interested State Commissions.

Any person desiring to protect said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 26, 1997. 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–4547 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–383–003]

CNG Transmission Corporation; Notice of Compliance Tariff Filing

February 19, 1997.

Take notice that on February 13, 1997, 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 November 1, 1996:

2nd Substitute 2nd Revised Sheet No. 369
Substitute First Revised Sheet No. 378
Original Sheet No. 378A

CNG states that the purpose of this filing is to revise CNG's proposed tariff provisions with regard to Negotiated Rates, as directed by the Commission's January 29, 1997, ''Order on Compliance Filing.''

CNG states that copies of its filing have been mailed to CNG's customers and interested state commissions, and to parties to the captioned proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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 proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–4548 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–242–000]

Northwest Pipeline Corporation, Notice of Request Under Blanket Authorization

February 19, 1997.

Take notice that on February 12, 1997, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP97–242–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for approval to upgrade its Portland West Meter Station in Multnomah County, Oregon, to accommodate a request by Northwest Natural Gas Company (Northwest Natural) for additional capacity at that delivery point to more reliably serve the peak-day requirements of its distribution customers, under the blanket certificate issued in Docket No. CP82–433–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to upgrade the Portland West Meter Station's capacity by using an orifice plate, appropriately-sized for a 0.65 Beta Ratio. Northwest says this is available at the station and has been used in the past for operational purposes to accommodate Northwest Natural's peak-day requirements at that delivery point. Northwest states that by recalculating the meter station capacity using a Beta ratio of 0.65, rather than the 0.6 Beta factor it uses on a standard basis, results in an increase in the maximum design delivery capacity from 110,000 Dth/d to 134,000 Dth/d at the 450 psig delivery pressure.

Northwest says there will be no cost associated with the proposed capacity increase since no modification of facilities is required. Northwest explains there will be no increase in its total contract demand delivery obligations nor any impact on its system peak day deliveries. Northwest estimates that the requirements to be served via the upgraded meter station capacity will result in no increased annual throughput on its system. Northwest explains that any deliveries made to Northwest Natural through the Portland West Meter Station will be gas delivered either for Northwest Natural or other shippers for whom Northwest is authorized to transport gas. Northwest states that any volumes delivered to the Portland West delivery point will be within the authorized entitlements of such shippers. Northwest says its tariff does not prohibit the capacity upgrade of delivery point facilities.

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.

Lois D. Cashell,

Secretary.

[FR Doc. 97–4545 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–112–019]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 19, 1997.

Take notice that on February 13, 1997, Tennessee Gas Pipeline Company (Tennessee) tendered for filing to become part its FERC Gas Tariff, Fifth Revised Volume No. 1 and Original Volume No. 2 the following Revised Tariff Sheets:

Fifth Revised Volume No. 1
- Fourteenth Revised Sheet No. 20
- Eighth Revised Sheet No. 21
- Sixteenth Revised Sheet No. 21A
- Twenty-first Revised Sheet No. 22
- Sixteenth Revised Sheet No. 22A
- Thirteenth Revised Sheet No. 23
- Fourth Revised Sheet No. 23A
- Eighth Revised Sheet No. 23B
- Second Revised Sheet No. 23C
- Eighteenth Revised Sheet No. 24
- Thirteenth Revised Sheet No. 25
- Seventh Revised Sheet No. 26
- Eighth Revised Sheet No. 26A
- Fourteenth Revised Sheet No. 26B
- Sixth Revised Sheet No. 27
- Fourth Revised Sheet No. 28
- First Revised Sheet No. 29
- Second Revised Sheet No. 109
- First Revised Sheet No. 128A
- Third Revised Sheet No. 129
- First Revised Sheet No. 129A
- First Revised Sheet No. 134
- First Revised Sheet No. 139
- Fourth Revised Sheet No. 154
- First Revised Sheet No. 154A
- First Revised Sheet No. 155
- Third Revised Sheet No. 155E
- Fourth Revised Sheet No. 159
- First Revised Sheet No. 196
- First Revised Sheet No. 200
- First Revised Sheet No. 201
- Third Revised Sheet No. 304
- Fourth Revised Sheet No. 337
- Second Revised Sheet No. 337A
- First Revised Sheet No. 338
- Third Revised Sheet No. 339
- Second Revised Sheet No. 339A
- First Revised Sheet No. 366
- First Revised Sheet No. 367
- Third Revised Sheet No. 398A

First Revised Sheet No. 602
Original Volume No. 2
Thirty-Third Revised Sheet No. 5

Tennessee states that the purpose of this filing is to implement the Settlement Rates and other tariff changes provided for in the Stipulation and Agreement filed on April 5, 1996, in Docket No. RP95–112 (Stipulation) which the Commission approved by an order issued on October 30, 1996, 77 FERC ¶ 61,083 (''October 30 Order''). Tennessee further states that on January 29, 1997, the Commission denied the requests for rehearing of the October 30 Order. Tennessee proposes that the tariff sheets become effective on March 1, 1997, with the exception of Sheet Nos. 134, 139, 196, 200 and 201 which are to become effective on July 1, 1995, in accord with the Stipulation.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 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 proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–4546 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER90–168–031, et al.]

National Gas & Electric L.P., et al.; Electric Rate and Corporate Regulation Filings

February 18, 1997.

Take notice that the following filings have been made with the Commission:

1. National Gas & Electric L.P., AES Power, Inc., Direct Electric Inc., Energy Services Inc., QST Energy Trading Inc., TransAlta Enterprises Corporation, and LISCO, Inc.

[Docket Nos. ER90–168–031, ER94–890–012, ER94–1161–011, ER95–1021–006, ER96–553–005, ER96–1316–003 and ER96–1406–002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On February 4, 1997, National Gas & Electric L.P. filed certain information required by the Commission's March 20, 1990, order in Docket No. ER90–168–000.

On February 4, 1997, AES Power, Inc. filed certain information required by the Commission's April 8, 1994, order in Docket No. ER94–890–000.

On January 28, 1997, Direct Electric Inc. filed certain information required by the Commission's July 18, 1994, order in Docket No. ER94–1161–000.

On February 5, 1997, Energy Services Inc. filed certain information required by the Commission's June 13, 1995, order in Docket No. ER95–1021–000.

On February 3, 1997, QST Energy Trading Inc. filed certain information required by the Commission's March 14, 1996, order in Docket No. ER96–553–000.

On February 3, 1997, TransAlta Enterprises Corporation filed certain information required by the Commission's June 12, 1996, order in Docket No. ER96–1316–000.

On February 3, 1997, LISCO, Inc. filed certain information required by the Commission's June 10, 1996, order in Docket No. ER96–1406–000.

2. NorAm Energy Services, Inc., New Energy Ventures, Inc., Southern Energy Marketing Corp. Inc., TECO EnergySource, Inc., Alliance Power Marketing, Mid-American Power, LLC, and PanEnergy Trading and Market Services, L.L.C.

[Docket Nos. ER94–1247–012, ER96–1387–002, ER96–1516–002, ER96–1563–003, ER96–1818–004, ER96–1858–003, and ER96–2921–002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On February 3, 1997, NorAm Energy Services, Inc. filed certain information as required by the Commission's July 25, 1994, order in Docket No. ER94–1247–000.

On January 31, 1997, New Energy Ventures, Inc. filed certain information as required by the Commission's September 6, 1996, order in Docket No. ER96–1387–000.

On January 13, 1997, Southern Energy Marketing Corporation, Inc. filed certain information as required by the Commission's May 8, 1996, order in Docket No. ER96–1516–000.

On February 3, 1997, TECO EnergySource, Inc. filed certain information as required by the Commission's June 11, 1996, order in Docket No. ER96–1563–000.

On January 13, 1997, Alliance Power Marketing Inc. filed certain information as required by the Commission's June 17, 1996, order in Docket No. ER96–1818–000.

On February 3, 1997, Mid-American Power, LLC filed certain information as required by the Commission's June 16, 1996, order in Docket No. ER96–1858–000.

On January 30, 1997, PanEnergy Trading and Market Services, L.L.C. filed certain information as required by the Commission's October 2, 1996, order in Docket No. ER96–2921–000.

3. Duke Energy Marketing Corp., Enserver, L.C. Power Providers, Inc., CMS Marketing, Service and Trading Company, Strategic Energy Management, Inc., Dayton Power & Light Company, and EnerZ Corporation

[Docket Nos. ER96–109–008, ER96–182–005, ER96–2303–002, ER96–2350–005, ER96–2591–002, ER96–2602–002, and ER96–3064–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 30, 1997, Duke Energy Marketing Corp. filed certain information as required by the Commission's December 14, 1995, order in Docket No. ER96–109–000.

On January 27, 1997, Enserver, L.C. Duke Energy Marketing Corp. filed certain information as required by the Commission's December 14, 1995, order in Docket No. ER96–109–000.

On January 29, 1997, Power Providers, Inc. filed certain information as required by the Commission's September 3, 1996, order in Docket No. ER96–2303–000.

On January 30, 1997, CMS Marketing, Service and Trading Company filed certain information as required by the Commission's September 6, 1996, order in Docket No. ER96–2350–000.

On February 3, 1997, Strategic Energy Management, Inc. filed certain information as required by the Commission's September 13, 1996, order in Docket No. ER96–2591–000.

On January 30, 1997, Dayton Power & Light Company filed certain information as required by the Commission's September 30, 1996, order in Docket No. ER96–2602–000.

On January 29, 1997, EnerZ Corporation filed certain information as required by the Commission's October 21, 1996, order in Docket No. ER96–3064–000.

4. Arizona Public Service Company

[Docket Nos. ER96–2741–003 and ER97–500–001]

Take notice that on February 10, 1997, Arizona Public Service Company tendered for filing a Revised Service Agreement for firm Point-to-Point Transmission Service in accordance with the Commission's January 10, 1997 order in the aforementioned dockets.

Comment date: March 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Consumers Power Company, d/b/a Consumers Energy Company

[Docket No. ER97–1502–000]

Take notice that on January 31, 1997, Consumers Power Company, d/b/a Consumers Energy Company (Consumers), tendered for filing an unexecuted service agreement for Network Integration Transmission Service and an unexecuted Network Operating Agreement with the Municipal Cooperative Coordinated Pool. A copy of the filing was served on the Michigan Public Service Commission, Michigan Public Power Agency and Wolverine Power Supply Cooperative.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Northern States Power Company

[Docket No. ER97–1503–000]

Take notice that on January 31, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Firm Point-to-Point Transmission Service Agreement for NSP Wholesale (Point of Delivery: City of Kasota, MN) under the Northern States Power Company Transmission Tariff.

NSP requests that the Commission accept the agreement effective February 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Commonwealth Edison Company

[Docket No. ER97–1504–000]

Take notice that on January 31, 1997, Commonwealth Edison Company (ComEd), submitted for filing Service Agreements, establishing East Kentucky Power Cooperative (East Kentucky), and NIPSCO Energy Services Inc. (NESI), as customers under the terms of ComEd's Power Sales and Reassignment of Transmission Rights Tariff PSRT–1 (PSRT–1 Tariff). The Commission has previously designated the PSRT–1 Tariff as FERC Electric Tariff, First Revised Volume No. 2.

ComEd requests an effective date of January 1, 1997, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon East Kentucky, NESI, and the Illinois Commerce Commission.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Northern Indiana Public Service Company

[Docket No. ER97–1505–000]

Take notice that on January 31, 1997, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Southern Indiana Gas and Electric Company.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Southern Indiana Gas and Electric Company under Northern Indiana Public Service Company's Power Sales Tariff. Northern Indiana Public Service Company and Southern Indiana Gas and Electric Company request waiver of the Commission's sixty-day notice requirement to permit an effective date of January 2, 1997.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Northern Indiana Public Service Company

[Docket No. ER97–1506–000]

Take notice that on January 31, 1997, Northern Indiana Public Service Company, tendered for filing an executed Standard Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between Northern Indiana Public Service Company and Cinergy Operating Companies (The Cincinnati Gas & Electric Company, PSI Energy, Inc., and Cinergy Services, Inc.).

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to Cinergy Operating Companies pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service company in Docket No. ER96–1426–000 and allowed to become effective by the Commission, and as amended in Docket No. OA96–47–000. *Northern Indiana Public Service Company,* 75 FERC ¶ 61,213 (1996). Northern Indiana Public Service Company has requested that the Service Agreement be allowed to become effective as of January 15, 1997.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Consolidated Edison Company of New York, Inc.

[Docket No. ER97–1508–000]

Take notice that on January 31, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing proposed supplements to its Rate Schedule FERC No. 92 and FERC No. 96.

The proposed supplement No. 11 to Rate Schedule FERC No. 96 increases the rates and charges for electric delivery service furnished to public customers of the New York Power Authority (NYPA) by $10,899,000 annually based on the 12-month period ending March 31, 1998.

The proposed supplement No. 10 to Rate Schedule FERC No. 96, applicable to electric delivery service to NYPA's non-public, economic development customers, and the proposed supplement No. 6 to Rate Schedule FERC No. 92, applicable to electric delivery service to commercial and industrial economic development customers of the County of Westchester Public Utility Service Agency (COWPUSA) or the New York City Public Utility Service (NYCPUS), increase the rates and charges for the service by $50,000 annually based on the 12-month period ending March 31, 1998.

The proposed decreases are a part of a Company-wide general electric rate change application which Con Edison filed to implement rates for the third year of a multi-year rate plan previously approved by the New York Public Service Commission (NYPSC) and which is pending before the NYPSC.

Although the proposed supplements bear a nominal effective date of April 1, 1997, Con Edison will not seek permission to make these effective until the effective date, estimated to be April 1, 1997, of the rate changes, if any, authorized by the NYPSC.

A copy of this filing has been served on NYPA, COWPUSA, NYCPUS, and the New York Public Service Commission.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Consumers Power Company, d/b/a Consumers Energy Company

[Docket No. ER97–1509–000]

Take notice that on January 31, 1997, Consumers Power Company, d/b/a Consumers Energy Company (Consumers), tendered for filing an unexecuted service agreement for Non-Firm Point-to-Point Transmission Service and an unexecuted Operating Agreement and an executed service agreement for Wholesale Power Service with the City of Holland. A copy of the filing was served on the Michigan Public Service Commission and the City of Holland.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Consumers Power Company, d/b/a Consumers Energy Company

[Docket No. ER97–1510–000]

Take notice that on January 31, 1997, Consumers Power Company, d/b/a Consumers Energy Company (Consumers), tendered for filing an unexecuted service agreement for Network Integration Transmission Service and an unexecuted Network Operating Agreement with the Michigan South Central Power Agency (MSCPA). A copy of the filing was served on the Michigan Public Service Commission and the MSCPA.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Florida Power & Light Company

[Docket No. ER97–1511–000]

Take notice that on February 3, 1997, Florida Power & Light Company, filed executed Service Agreements with Southern Energy Marketing Corporation, Inc., Pan Energy and Market Services, L.L.C., CNG Power Services Corporation, Duke/Louis Dreyfus L.L.C., LG&E Power Marketing, Inc., Rainbow Energy Marketing Corporation and Tampa Electric Company for service pursuant to Tariff No. 1 for Sales of Power and Energy by Florida Power & Light. FPL requests that each Service Agreement be made effective on January 3, 1997.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Portland General Electric Company

[Docket No. ER97–1512–000]

Take notice that on February 3, 1997, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff Original Volume No. 8, Docket No. OA96–137–000), an executed Service Agreement for Long-Term Firm Point-to-Point Transmission Service with The Washington Water Power Company.

Pursuant to 18 CFR 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective February 1, 1997.

A copy of this filing was caused to be served upon The Washington Water Power Company as noted in the filing letter.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Portland General Electric Company

[Docket No. ER97–1513–000]

Take notice that on February 3, 1997, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff Original Volume No. 8, Docket No. OA96–137–000), an executed Service Agreement for Long-Term Firm Point-to-Point Transmission Service with Portland General Electric Company.

Pursuant to 18 CFR 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective February 1, 1997.

A copy of this filing was retained for PGE's records and distributed accordingly.

Comment date: March 3, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Catalyst Old River Hydroelectric Limited Partnership

[Docket No. ES97–22–000]

Take notice that on February 10, 1997, Catalyst Old River Hydroelectric Limited Partnership (Catalyst) filed an application, under § 204 of the Federal Power Act, seeking authorization to issue securities and assume obligations in connection with its lease of the Old River Hydroelectric Project.

Comment date: March 7, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Central Maine Power Company

[Docket No. OA96–43–003]

Take notice that on January 17, 1997, Central Maine Power Company submitted to the Federal Energy Regulatory Commission and other interested persons revisions to its open access transmission tariff (FERC Electric Tariff, Original Volume No. 3, as supplemented) to eliminate certain limited deviations to the Commission's pro forma tariff as directed by the Commission by Order, dated December 18, 1996, in this proceeding.

Comment date: March 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Consolidated Edison Company of New York, Inc.

[Docket No. OA97–516–000]

Take notice that on January 28, 1997, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing an amendment to rate schedule FERC No. 140, an agreement with PECO Energy (PECO) to provide for the sale of energy and capacity.

Con Edison states that a copy of this filing has been served by mail upon PECO.

Comment date: March 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Consolidated Edison Company of New York, Inc.

[Docket No. OA97–517–000]

Take notice that on January 28, 1997, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing an amendment to Rate Schedule 68, an agreement with Northeast Utilities for the sale and purchase of energy and capacity.

Con Edison states that a copy of this filing has been served by mail upon Northeast Utilities.

Comment date: March 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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, N.E., Washington, D.C. 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 this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–4602 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER97–1514–000, et al.]

New York State Electric & Gas Corporation, et al.; Electric Rate and Corporate Regulation Filings

February 19, 1997.

Take notice that the following filings have been made with the Commission:

1. New York State Electric & Gas Corporation

[Docket No. ER97–1514–000]

Take notice that on February 3, 1997, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an agreement with The Power Company of America, L.P. (PCA). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to PCA and PCA will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on February 4, 1997, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and PCA.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Central Louisiana Electric Company, Inc.

[Docket No. ER97–1515–000]

Take notice that on January 31, 1997, Central Louisiana Electric Company, Inc., (''CLECO''), tendered for filing a service agreement under which Central Louisiana Electric Company, Inc. (''CLECO'') as transmission provider, will provide non-firm point-to-point transmission service to Central and South West Services, Inc. (''CSWS'') under its point-to-point transmission tariff.

CLECO states that a copy of the filing has been served on CSWS.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. The Cleveland Electric Illuminating Company

[Docket No. ER97–1516–000]

Take notice that on January 31, 1997, The Cleveland Electric Illuminating Company (CEI) filed Electric Power Service Agreements (Agreements) between CEI and Pennsylvania Power and Light Company, American Electric Power Service Corporation, Delmarva Power & Light Company, The Cincinnati Gas & Electric Company, PSI Energy, Inc. and Cinergy Services, Inc., Ohio Edison Company and Pennsylvania Power Company, Duquesne Light Company, Consumers Power Company and the Detroit Edison Company, Atlantic City Electric Company, Illinois Power Company, NIPSCO Energy Services, Inc., and the City of Painesville.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. The Toledo Edison Company

[Docket No. ER97–1517–000]

Take notice that on January 31, 1997, The Toledo Edison Company (TE) filed Electric Power Service Agreements (Agreements) between TE and Pennsylvania Power and Light Company, American Electric Power Service Corporation, Delmarva Power & Light Company, The Cincinnati Gas & Electric Company, PSI Energy, Inc. and Cinergy Services, Inc., Ohio Edison Company and Pennsylvania Power Company, Duquesne Light Company, Consumers Power Company and The Detroit Edison Company, Atlantic City Electric Company, Illinois Power Company, NIPSCO Energy Services, Inc., Wabash Valley Power Association, Inc., and AMP-Ohio, Inc.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Ohio Edison Company, Pennsylvania Power Company

[Docket No. ER97–1518–000]

Take notice that on January 31, 1997, Ohio Edison Company, tendered for filing on behalf of itself and Pennsylvania Power Company, Service Agreements for Non-Firm Point-to-Point Transmission Service with The Toledo Edison Company and Koch Energy Trading, Inc., pursuant to Ohio Edison's Open Access Tariff. These Service Agreements will enable the parties to obtain Non-Firm Point-to-Point Transmission Service in accordance with the terms of the Tariff.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Virginia Electric and Power Company

[Docket No. ER97–1519–000]

Take notice that on January 31, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing an unexecuted Service Agreement between Morgan Stanley Capital Group, Inc. and Virginia Power, dated January 1, 1996, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreement Virginia Power agrees to provide services to Morgan Stanley Capital Group, Inc. under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon Morgan Stanley Capital Group, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. American Electric Power Service Corporation

[Docket No. ER97–1520–000]

Take notice that on January 31, 1997, the American Electric Power Service Corporation (AEPSC), tendered for filing executed service agreements with several parties, under the AEP Companies' Power Sales Tariff. The Power Sales Tariff was accepted for filing effective October 1, 1995, and has been designated AEP Companies' FERC Electric tariff First Revised Volume No. 2. AEPSC requests waiver of notice requirements to permit the Service Agreements to be made effective for service billed on and after January 3, 1997.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commission of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Virginia Electric and Power Company

[Docket No. ER97–1521–000]

Take notice that on January 31, 1997, Virginia Electric and Power Company

(Virginia Power), tendered for filing an unexecuted Service Agreement between Southern Trading and Marketing, Inc. and Virginia Power, dated January 1, 1996, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreement Virginia Power agrees to provide services to Southern Trading and Marketing, Inc. under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon Southern Trading and Marketing, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER97–1522–000]

Take notice that on January 31, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing an unexecuted Service Agreement between AIG Trading Corporation, and Virginia Power, dated January 1, 1996, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreement Virginia Power agrees to provide services to AIG Trading Corporation under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon AIG Trading Corporation, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER97–1525–000]

Take notice that on January 31, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and Wisconsin Electric Power Company. This Transmission Service Agreement specifies that Wisconsin Electric Power Company has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and Wisconsin Electric Power Company to enter into separately scheduled transactions under which NMPC will provide transmission service for Wisconsin Electric Power Company as the parties may mutually agree.

NMPC requests an effective date of January 24, 1997. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Wisconsin Electric Power Company.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Ohio Valley Electric Corporation; Indiana-Kentucky Electric Corporation

[Docket No. ER97–1526–000]

Take notice that on February 3, 1997, Ohio Valley Electric Corporation (including its wholly-owned subsidiary, Indiana-Kentucky Electric Corporation) (OVEC), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service, dated January 30, 1997 (the Service Agreement) between Morgan Stanley Capital Group, Inc. (MSCG) and OVEC. OVEC proposes an effective date of January 30, 1997 and requests waiver of the Commission's notice requirement to allow the requested effective date. The Service Agreement provides for non-firm transmission service by OVEC to MSCG.

In its filing, OVEC states that the rates and charges included in the Service Agreement are the rates and charges set forth in OVEC's Order No. 888 compliance filing (Docket No. OA96–190–000).

A copy of this filing was served upon MSCG.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER97–1528–000]

Take notice that on February 3, 1997, Niagara Mohawk Power Corporation (Niagara Mohawk), notified the Commission that it is canceling Electric Rate Schedule No. 124, which involves wholesale power sales to Vermont Electric Power Company, Inc. (VELCO). Cancellation of the rate schedule is effective on January 1, 1997.

Niagara Mohawk is requesting a waiver of the Commission's notice requirements.

A copy of this filing has been served on the New York State Public Service Commission and VELCO.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Niagara Mohawk Power Corporation

[Docket No. ER97–1534–000]

Take notice that on February 3, 1997, Niagara Mohawk Power Corporation (Niagara Mohawk), notified the Commission that it is canceling Electric Rate Schedule No. 132, which involves wholesale power sales to Massachusetts Municipal Wholesale Electric Company (MMWEC). Cancellation of the rate schedule is effective on January 1, 1997.

Niagara Mohawk is requesting a waiver of the Commission's notice requirements.

A copy of this filing has been served on the New York State Public Service Commission, and MMWEC.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. PacifiCorp

[Docket No. ER97–1535–000]

Take notice that on February 3, 1997, PacifiCorp, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Non-Firm Transmission Service Agreements with Dupont Power Marketing and Tri-State Generation & Transmission Association, Inc. under, PacifiCorp's FERC Electric Tariff, Original Volume No. 11.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Electric and Gas Company

[Docket No. ER97–1539–000]

Take notice that on February 3, 1997, Public Service Electric and Gas Company (PSE&G), tendered for filing an agreement to provide non-firm transmission service to Southern Energy Trading and Marketing, Inc., pursuant to PSE&G's Open Access Transmission Tariff presently on file with the Commission in Docket No. OA96–80–000.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of January 31, 1997.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Electric Power Company

[Docket No. ER97–1544–000]

Take notice that on February 4, 1997, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing two firm transmission service agreements with Upper Peninsula Power Company (UPPCO). Under each agreement, power will be transmitted from Wisconsin Power and Light Company (WP&L) to UPPCO's isolated Iron River, Michigan service area.

Wisconsin Electric respectfully requests an effective date of March 1, 1997 for the first agreement and May 1, 1997 for the second, six-month agreement. Wisconsin Electric has also submitted a Notice of Cancellation of Service Agreement No. 5, under FERC Electric Tariff, Original Volume No. 1. Wisconsin Electric is authorized to state that UPPCO supports the requested effective date.

Copies of the filing have been served on UPPCO, WP&L, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Florida Power Corporation

[Docket No. ER97–1545–000]

Take notice that on February 4, 1997, Florida Power Corporation (Florida Power), tendered for filing a service agreement providing for service to Aquila Power Corporation (Aquila) pursuant to its open access transmission tariff (the T–6 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreement to become effective on February 5, 1997.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Illinova Power Marketing, Inc.

[Docket No. ER97–1546–000]

Take notice that on February 4, 1997, Illinova Power Marketing, Inc. (IPMI), 1405 West 2200 South, Salt Lake City, Utah, 84119, tendered for filing a proposed change to its code of conduct with its public utility affiliate, Illinois Power Company, regarding the independent functioning of wholesale merchant personnel and the sharing of bulk power marketing information.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. PECO Energy Company

[Docket No. ER97–1547–000]

Take notice that on February 3, 1997, PECO Energy Company (PECO), filed a Service Agreement dated January 9, 1997 with NIPSCO Energy Services, Inc. (NESI) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds NESI as a customer under the Tariff.

PECO requests an effective date of January 9, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to NESI and to the Pennsylvania Public Utility Commission.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Power Marketing Coal Services, Inc.

[Docket No. ER97–1548–000]

Take notice that, Power Marketing Coal Services, Inc. (PMCS), on February 3, 1997, tendered for filing pursuant to Rule 205, 18 CFR 385.205, an application for blanket authorizations and waivers from the Commission, including approval of its FERC Electric Rate Schedule No. 1 to be effective upon acceptance by the Commission for filing.

PMCS plans to participate in the wholesale electric power market as a bulk power broker, bulk power marketer, and financial risk manager. PMCS will take ownership or title to electric energy and capacity it purchases and sells to other wholesale entities. PMCS will also arrange appropriate transmission and ancillary services necessary to facilitate any transactions it undertakes as a marketer. PMCS anticipates that such transactions will vary in duration and firmness of service. The price PMCS proposes to charge for its services will be negotiated at market based rates between PMCS and the purchaser of such services. PMCS states that it does not own or control any electric power transmission or distribution facilities, nor is it affiliated with any entity which owns or controls such facilities. Further, PMCS does not own any electric generating facilities nor does it hold any franchise or service territory for the transmission, distribution, or sale of electric power. Consequently, PMCS has no market power in the electric power marketplace.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Wisconsin Public Service Corp.

[Docket No. ER97–1549–000]

Take notice that on February 3, 1997, Wisconsin Public Service Corporation (''WPSC''), tendered for filing an executed Transmission Service Agreement between WPSC and Minnesota Power & Light Company. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. UtiliCorp United Inc.

[Docket No. ER97–1550–000]

Take notice that on February 3, 1997, UtiliCorp United Inc. (UtiliCorp), filed service agreements with Enron Power Marketing, Inc. for service under its non-firm point-to-point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. PECO Energy Company

[Docket No. ER97–1551–000]

Take notice that on February 3, 1997, PECO Energy Company (PECO), filed a Service Agreement dated January 27, 1997, with The Utility-Trade Corporation (UTC) under PECO's FERC Electric Tariff Original Volume No. 5 (Tariff). The Service Agreement adds UTC as a customer under the Tariff.

PECO requests an effective date of January 27, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to UTC and to the Pennsylvania Public Utility Commission.

Comment date: March 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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, N.E., Washington, D.C. 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 this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–4603 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–610–000]

Granite State Gas Transmission, Inc.; Notice of Public Meetings on the Alternative Sites Supplement to the Draft Environmental Impact Statement for the Granite State LNG Project

February 19, 1997.

The Office of Pipeline Regulation environmental staff will conduct public meetings on the Alternative Sites Supplement to the Draft Environmental Impact Statement (Supplement). This Supplement focuses solely on an expanded alternative siting analysis for the liquefied natural gas (LNG) facilities proposed in Wells, Maine by Granite State Gas Transmission, Inc.

Public meetings to receive comments on the Supplement will be held at the following times and locations:

March 10, 1997, 6:00 p.m.—Wells-Ogunquit High School Auditorium

March 11, 1997, 6:00 p.m.—South Berwick Town Hall

Interested groups and individuals are encouraged to attend and present oral comments on the alternative sites described in the Supplement. Anyone who would like to speak may sign up on a speakers list at the meetings. Transcripts will be made of each of the meetings. For further information, call Paul McKee in the Commission's Office of External Affairs at (202) 208–1088.

Warren C. Edmunds,

Acting Director, Office of Pipeline Regulation.

[FR Doc. 97–4544 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5694–1]

Agency Information Collection: Proposed and Continuing Collection; Comment Request; Combined Sewer Overflow Information Collection Activities Being Proposed and Continued (OMB Control Number 2040–0170)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA plans to submit the following continued Information Collection Request (ICR) to the Office of Management and Budget (OMB): Combined Sewer Overflow Information Collection Activities (OMB Control Number 2040–0170, EPA ICR number 1680.02, current expiration date 4/30/97). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the amended information collection as described below.

DATES: Comments must be submitted on or before April 28, 1997.

ADDRESSES: Environmental Protection Agency, Office of Wastewater Management (Mail Code 4203), 401 M Street S.W., Washington, D.C. 20460. Interested persons may obtain a copy of the ICR amendment and supporting analysis without charge by contacting the individual listed below.

FOR FURTHER INFORMATION CONTACT: Timothy Dwyer, EPA Office of Wastewater Management (Mail Code 4203), 401 M Street S.W., Washington, D.C. 20460. Telephone: (202) 260–6064. Fax: (202) 260–1460.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities affected by this action are municipalities with combined sewer systems, which are covered by EPA's Combined Sewer Overflow (CSO) Control Policy.

Title: ICR for the Combined Sewer Overflow Control Policy (OMB Control Number 2040–0170; EPA ICR Number 1680.02) expiring on April 30, 1997.

Abstract: EPA is proposing to continue its ICR for the Combined Sewer Overflow (CSO) Control Policy that was approved in April 1994 and to amend that ICR to include the burden associated with third-party notification provisions under the Policy. That amendment was proposed in the Federal Register on January 31, 1996 (61 FR 3396) and was prepared to reflect changes to ICR requirements identified in the Paperwork Reduction Act of 1995. Specifically, it addresses the expanded scope of the Act in redefining ''collection of information'' to include ''disclosure to third parties or the public.'' Information collection burden other than third-party notification is reflected in the existing ICR for the CSO Control Policy. This ICR will also include the estimated burden for the reporting and recordkeeping associated with monitoring CSOs during wet weather events. This monitoring is necessary to determine the effectiveness of selected CSO control measures to comply with CWA requirements and to achieve compliance with applicable State water quality standards.

Combined sewer systems (CSSs) serve approximately 950 municipalities, primarily in the Northeast and Great Lakes regions. This number is smaller than that in the initial ICR largely because the Agency has better data on the number of municipalities with combined sewer systems nationwide. CSOs occur when these systems overflow and discharge to receiving waters prior to treatment in a publicly owned treatment works (POTW).

The CSO Control Policy, published on April 19, 1994 (59 FR 18688), is a national framework for controlling CSOs through the National Pollutant Discharge Elimination System (NPDES) permitting program. The Policy represents a comprehensive national strategy to ensure that municipalities with CSSs, NPDES permitting authorities, water quality standards authorities, and the public engage in a comprehensive and coordinated planning effort to achieve cost-effective CSO controls that ultimately meet appropriate health and environmental objectives, including compliance with water quality standards.

Among the provisions in the CSO Policy are the ''nine minimum controls'' (NMC), which are technology-based actions or measures designed to reduce the magnitude, frequency, and duration of CSOs and their effects on receiving water quality. The CSO Control Policy provided for implementation of the NMC by January 1, 1997.

One of the NMC is public notification of CSO occurrences and impacts. Public notification is of particular concern at beach and recreation areas directly or indirectly affected by CSOs, where public exposure is likely to be significant. Although the information collection burden associated with implementing and documenting the NMC is included in the ICR for the CSO Control Policy, that ICR does not include any burden associated with third-party notification. That burden is included in this renewal.

The CSO Control Policy also contains a provision for the development of long-term control plans. The policy recommends that permit writers require permittees to develop a long-term plan within two years of the issuance of an NPDES permit or other enforceable mechanism containing such a requirement. The core of the plan is the development and evaluation of long-term control alternatives. One of the elements of the long-term plan is the development of a post-construction

compliance monitoring program to be implemented when selected controls are completed. OMB's approval of the initial ICR for the CSO Control Policy recommended that the renewal ICR include EPA's best estimate of the burden associated with a reasonable and targeted compliance monitoring program.

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 and 48 CFR Chapter 15.

The EPA would like to solicit comments on its ICR amendment. Specifically, we would like comments to help us to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond.

Burden Statement: The estimated burden reflected in this ICR is 1,861,528 hours and a cost of $58,737,887.

Of this total, the portion for municipalities with combined sewer systems is 1,774,319 hours at a cost of $55,975,099, including start-up costs of $180,080 for the third party notification under the Nine Minimum Controls (NMC) in the CSO policy. The estimated burden on each of 238 municipalities for DMR reporting and recordkeeping is 291 hours and $9,219. The estimated burden on each of 570 municipalities for NMC reporting and long-term control plan development and submission is 2,978 hours and $93,598 and for third-party notification, 24 hours and $756.

The estimated burden for Federal and State governments is 8896.5 hours and $281,844 and 78,312.5 hours and $2,480,944, respectively. This includes the burden associated with reviewing the DMRs, the NMC documentations, and the long-term control plans submitted by the respondents and reissuing NPDES permits or issuing other enforceable mechanisms to municipalities with CSSs to implement the CSO Control Policy. The annual average burden for Federal and State review of DMRs, NMC documentations, and long-term control plans is 2,445.5 hours and $77,475 and 21,157.5 hours and $670,271, respectively. The annual average burden associated with reissuing NPDES permits or issuing other enforceable mechanisms to CSO municipalities is 520 hours and $16,474 for the Federal government and 4,547 hours and $144,039 for State governments.

The estimated burden on the States to report summary information to EPA for oversight of the EPA's CSO Control Policy and for GPRA purposes is 1,200 hours and $38,016.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes 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.

Interested parties may obtain a copy of the draft supporting statement, including the burden analysis, from Timothy Dwyer, EPA Office of Wastewater Management, at (202) 260–6064.

Dated: February 14, 1997.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 97–4617 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5693–7]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty to Golden City Gateway and Opportunity To Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of proposed administrative penalty assessment and proposed Consent Agreement for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. Section 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue these orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. Section 1319(g)(4)(a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 C.F.R. Part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the Procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of Golden City Gateway, Ca Limited Partnership, 711 Church Hill Rd La Habra Hts. Ca 90061; EPA Docket No. CWA–IX–FY97–11; filed on Febraury 18, 1997, with Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1389, proposed penalty of $40,000 for failure to comply with the California General Stormwater Permit for Construction Activities. EPA and Golden City Gateway have agreed to a proposed Consent Agreement in which Golden City Gateway shall pay a civil penalty of $40,000.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Consolidated Rules, review of the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of this administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to thirty (30) days after the date of publication of this notice.

Dated: January 31, 1997.

John Ong,

Acting Director, Water Management Division.

[FR Doc. 97–4616 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 19, 1997.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarify 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.

DATES: Persons wishing to comment on this information collection should submit comments April 28, 1997.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commissions, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–XXXX.

Title: Marketing of RF Devices Prior to Equipment Authorization (Section 2.803).

Form No.: None.

Type of Review: New Collection.

Respondents: Business/For Profit Institutions.

Number of Respondents: 6,000.

Estimated time per response: .5.

Total annual burden: 3,000.

Needs and Uses: FCC rules permit the display and advertising of radio frequency devices prior to equipment authorization or a determination of compliance with the rules, providing that the advertising or display contains a conspicuous notice as specified by the rules. The notice that must be displayed is defined in Section 2.803(c). A notice that applies specifically to prototype equipment is defined in Section 2.803(c)(1). In addition, as defined in Section 2.803(c)(2) any RF device that is offered for sale to specific entities defined in the rule part, prior to equipment authorization or a showing of compliance, must be accompanied by a written notice that the equipment is subject to the FCC rules and will comply with all FCC rules prior to delivery. The information is disclosed to third parties to ensure that they are fully aware of the FCC's requirement for the responsible party to fully comply with the Commission Rules.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–4503 Filed 2–24–97; 8:45 am]

BILLING CODE 6712–01–P

Notice of Public Information Collections Being Reviewed by FCC For Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

February 19, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (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.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before April 28, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0017.

Title: Application for a Low Power TV, TV Translator or TV Booster Station License .

Form Number: FCC 347.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, state, local or tribal government.

Number of Respondents: 400.

Estimated time per response: 2.5 hours.

Total annual burden: 1000 hours.

Needs and Uses: FCC Form 347 is required to be filed when applying for a Low Power Television, TV Translator or TV Booster Station License. This form will be revised to add the new requirements regarding antenna tower registration. This unique antenna registration number identifies an antenna structure and must be used on all filings related to the antenna structure. Several questions will be added to the engineering portion of the FCC 350 to collect this information. This requirement was approved by OMB under control number 3060–0714. The data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding

construction permit. Data is then extracted from FCC 347 for inclusion in the subsequent license to operate the station.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–4568 Filed 2–24–97; 8:45 am]

BILLING CODE 6712–01–P

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 19, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's 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.

DATES: Persons wishing to comment on this information collection should submit comments April 28, 1997.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0066.

Title: Application for Renewal of Instructional Television Fixed Station and/or Response Station(s) and Low Power Relay Station(s) License.

Form No.: FCC 330–R .

Type of Review: Revision of currently approved collection.

Respondents: Not for-profit institutions, state, local or tribal government.

Number of Respondents: 250.

Estimated time per response: 3.

Total annual burden: 750.

Needs and Uses: FCC 330–R is used by licensees of Instructional Television Fixed (ITFS), Response, and Low Power Relay Stations to file for renewal of their licenses. On 6/9/94, the Commission adopted a Report and Order in MM Docket No. 93–106, Amendment of Part 74 of the Commission's Rules Governing use of the Frequencies in the Instructional Television Fixed Service. Among other things, this Report and Order amended Section 74.931 to allow an ITFS licensee to shift its requisite ITFS programming onto fewer than its authorized number of channels, via channel mapping technology or channel loading. An ITFS licensee can lease its full-time channel capacity to a wireless cable operator, subject to the condition that it provide a total average of at least 20 hours per channel per week of ITFS programaming on its authorized channels. A licensee may provide the requisite ITFS programming on each of its authorized channels or it may now shift that programming onto fewer than its authorized number of channels, via channel mapping technology or chananel loading. The form will be revised to add a question on channel mapping/loading with an increase in burden of 30 minutes per form. The data is used by FCC staff to ensure that the licensee continues to meet basic Commission policies and rules, as well as statutory requirements to remain a licensee of an ITFS station. The information submited on channel mapping/loading will permit the Commission to verify that programming aired outside the traditional school day is in fact directed to legitimate educational needs.

OMB Number: 3060–0016.

Title: Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station.

Form Number: FCC 346.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, state, local or tribal government.

Number of Respondents: 1,050.

Estimated time per response: 25 hours (9 hours applicant; 16 hours contract time).

Total annual burden: 9,450.

Needs and Uses: FCC Form 346 is used by licensees/permittees/applicants when applying for authority to construct or make changes in a Low Power Television, TV Translator or TV Booster broadcast station. This form will be revised to add the new requirements regarding antenna tower registration. This unique antenna registration number identifies an antenna structure and must be used on all filings related to the antenna structure. Several questions will be added to the engineering portion of the FCC 346 to collect this information. This requirement was approved by OMB under control number 3060–0714. The data is used by FCC staff to determine if the applicant is qualified, meets basic statutory and treaty requirements and will not cause interference to other authorized broadcast services.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–4569 Filed 2–24–97; 8:45 am]

BILLING CODE 6717–01–P

[DA 97–351]

Filing Period Announced for Comments on Qualcomm's Pioneer's Preference Application (GEN Docket No. 90–314)

February 18, 1997.

The Court of Appeals for the D.C. Circuit recently vacated the FCC's decision to deny QUALCOMM, Inc.'s application for a broadband Personal Communications Services pioneer's preference in GEN Docket No. 90–314, and remanded the matter for further proceedings. *Freeman Engineering Associates, Inc.* v. *FCC*, D.C. Cir. No. 94–1779 (Jan. 7, 1997). The Office of Engineering and Technology (OET) requests comment from QUALCOMM as to what action OET should recommend to the Commission in light of the remand. QUALCOMM should file its comments by March 5, 1997. Any interested parties may then file reply comments by March 20, 1997.

For additional information, contact Rodney Small, (202) 418–2452; email rsmall@fcc.gov, Office of Engineering and Technology.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–4567 Filed 2–24–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

[Notice 1997–1]

Filing Dates for the Texas Special Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special elections.

SUMMARY: Texas has scheduled a special election on March 15, 1997, to fill the U.S. House seat in the Twenty-Eighth Congressional District held by the late Congressman Frank Tejeda. There are two possible elections, but only one may be necessary. If no candidate wins a majority of votes in the Special General Election, the two top vote-getters, regardless of party affiliation, will participate in a Special Runoff on a date to be set by the Governor after March 15.

Committees required to file reports in connection with the Special General Election on March 15 should file a 12-day Pre-General Election Report on March 3, 1997; a 30-day Post-General Report on April 14, 1997; and a Mid-Year Report on July 31, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Information Division, 999 E Street NW., Washington, DC 20463. Telephone: (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates who participate in the Texas Special General Election and all other political committees not filing monthly which support candidates in the Special Election shall file a 12-day Pre-General Report on March 3, 1997, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through February 23, 1997. If there is a majority winner, committees must also file a Post-General Report on April 14, 1997, with coverage dates from February 24 through April 4, 1997, and a Mid-Year Report on July 31, 1997, with coverage dates from April 5 through June 30, 1997.

In the event that no candidate receives a majority of the votes in the Special General Election, a Special Runoff Election will be held. The Commission will publish a future notice giving the filing dates for that election if it becomes necessary.

CALENDAR OF REPORTING DATES FOR TEXAS SPECIAL ELECTIONS

Report	Close of books *	Reg./cert. mailing date **	Filing date
I. If only the special general is held (03/15/97), committees must file:			
Pre-General	02/23/97	02/28/97	03/03/97
Post-General	04/04/97	04/14/97	04/14/97
Mid-Year	06/30/97	07/31/97	07/31/97
II. If two elections are held, committees involved in only the special general (03/15/97) must file:			
Pre-General	02/23/97	02/28/97	03/03/97
Mid-Year	06/30/97	07/31/97	07/31/97

* The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

** Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

Dated: February 20, 1997.

[FR Doc. 97–4598 Filed 2–24–97; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the Federal Register.

Agreement No.: 232–011566.

Title: NSCSA/Wallenius Line Space Charter Agreement.

Parties: National Shipping Company of Saudi Arabia (''NSCSA'') Wallenius Rederierna AB (''Wallenius'').

Synopsis: The proposed Agreement permits Wallenius to charter space from NSCSA, on its vessels operating in the trade from Livorno, Italy to U.S. Atlantic & Gulf Coast ports, and for the parties to coordinate vessel operations. The parties have requested a shortened review period.

Dated: February 20, 1997.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 97–4560 Filed 2–24–97; 8:45 am]

BILLING CODE 6730–01–M

Request for Additional Information

Agreement No.: 217–011563.

Title: NOL/HMM Space Charter Agreement.

Parties: Hyundai Merchant Marine Co., Ltd., Neptune Orient Lines, Ltd.

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701–1720) has requested additional information from the parties to the Agreement in order to complete the statutory review of the Agreement as required by the Act. This action extends the review period as provided in section 6(c) the Act.

Dated: February 19, 1997.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 97–4535 Filed 2–24–97; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Aero-Mar-Terra Forwarding, 22302 Acorngrove Drive, Spring, TX 77389,

Jose Guillermo Saavedra, Sole Proprietor

International Transport Services, 18747 Sheldon Road, Cleveland, OH 44130, Officers: Lawrence P. Yankow, President, JoAnne Hill, Secretary

Royal International Freight Forwarding Company, 366 Woodlawn Avenue, Jersey City, NJ 07305–1306, Louis A. Espinoza, Sole Proprietor

Quality Cargo & Messenger Corp., 4770 N.W. 178th Terrace, Miami, FL 33055, Officer: Ana G. Leon, President

Dated: February 19, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–4531 Filed 2–24–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 11, 1997.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. F.W. Lampert Trust B; Larry D. Lampert and Robert L. Lampert, beneficial owners; and Robert L. Lampert, Trustee, all of Beloit, Kansas; to acquire an additional 14.3 percent, for a total of 27.4 percent, and Robert L. and Andra V. Lampert, Beloit, Kansas, to acquire an additional 28.05 percent, for a total of 42.02 percent, of the voting shares of First National Bankshares of Beloit, Inc., Beloit, Kansas, and thereby indirectly acquire First National Bank of Beloit, Beloit, Kansas.

Board of Governors of the Federal Reserve System, February 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–4584 Filed 2–24–97; 8:45 am]

BILLING CODE 6210–01–F

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 97-3425) published on page 6535 of the issue for Wednesday, February 12 1997.

Under the Federal Reserve Bank of Kansas City heading, the entry for Clayton L. Green, Jr., Lawton, Oklahoma, is revised to read as follows:

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Clayton L. Green, Jr., Lawton, Oklahoma; to acquire an additional 86.25 percent, for a total of 100 percent of the voting shares of B.O.E. Bancshares, Inc., Elgin, Oklahoma, and thereby indirectly acquire Bank of Elgin, Elgin, Oklahoma.

Comments on this application must be received by February 26, 1997.

Board of Governors of the Federal Reserve System, February 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–4585 Filed 2–24–97; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, March 3, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 21, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–4794 Filed 2–21–97; 3:23 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–P–15–A]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. HCFA–P–15A *Type of Information Collection Request*: Extension of currently approved collection; *Title of Information Collection*: Medicare Current Beneficiary Survey Suppliment—Round 18; *Form No.*: HCFA–P–15A; *Use*: The Office of the Actuary, HCFA, conducts the Medicare Current Beneficiary Survey (MCBS) through personal interviews of a random sample of Medicare beneficiaries. When sampled persons are found to reside in a long-term care facility, interviewers use a version of the questionnaire which is specially designed to obtain data about the beneficiary's health care from knowledgeable staff members. We are preparing to convert the facility interview from a hard-copy questionnaire to a Computer Assisted Personal Interviewing (CAPI) format,

beginning in May, 1997. CAPI, which we are currently using in the community interviews, increases the accuracy of the interview process by automating skip patterns, customizing questions, creating computed variables such as a time line of residence history, and automatically checking completeness and consistency of responses. Concurrently, we are modifying some of the questions we currently use in the facility interview to make them more comparable to those in other surveys, particularly the Medical Expenditure Panel Survey (MEPS). These modifications are responsive to the President's initiative toward consistency and integration among surveys; *Frequency*: Annually; *Affected Public*:; *Number of Respondents*: 1,900; *Total Annual Responses*: 1,900; *Total Annual Hours*: 1,900.

To obtain copies of the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 26, 1997.

Edwin J. Glatzel

Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 97–4633 Filed 2–24–97; 8:45 am]

BILLING CODE 4120–03–P

[ORD–096–N]

New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: December 1996

AGENCY: Health Care Financing Administration (HCFA).

ACTION: Notice.

SUMMARY: This notice announces that, during the month of December 1996, no new proposals were submitted under the authority of section 1115 of the Social Security Act and no proposals were disapproved or withdrawn. The notice also identifies approved and pending proposals for this time period. (This notice can be accessed on the Internet at HTTP://WWW.HCFA.GOV/ORD/ORDHP1.HTML.)

COMMENTS: We will accept written comments on these proposals. We will, if feasible, acknowledge receipt of all comments, but we will not provide written responses to comments. We will, however, neither approve nor disapprove any new proposal for at least 30 days after the date of this notice to allow time to receive and consider comments. Direct comments as indicated below.

ADDRESSES: Mail correspondence to: Susan Anderson, Office of Research and Demonstrations, Health Care Financing Administration, Mail Stop C3–11–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

FOR FURTHER INFORMATION CONTACT: Susan Anderson, (410) 786–3996.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 1115 of the Social Security Act (the Act), the Department of Health and Human Services (HHS) may consider and approve research and demonstration proposals with a broad range of policy objectives. These demonstrations can lead to improvements in achieving the purposes of the Act.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. On September 27, 1994, we published a notice in the Federal Register (59 FR 49249) that specified (1) the principles that we ordinarily will consider when approving or disapproving demonstration projects under the authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

As part of our procedures, we publish a notice in the Federal Register with a monthly listing of all new submissions, pending proposals, approvals, disapprovals, and withdrawn proposals. Proposals submitted in response to a grant solicitation or other competitive process are reported as received during the month that such grant or bid is awarded, so as to prevent interference with the awards process.

II. Listing of New, Pending, Approved, Disapproved, and Withdrawn Proposals for the Month of December 1996

A. Comprehensive Health Reform Programs

1. New Proposals

No new proposals were received during the month of December.

2. Pending Proposals

Pending proposals for the month of November 1996 identified in the Federal Register of January 16, 1997 (62 FR 2374) and listed in part in the Federal Register of December 9, 1995 (61 FR 64914) remain unchanged, except for the Alabama proposal identified under item 4 that was approved.

3. Approved Conceptual Proposals

No conceptual proposals were approved during the month of December.

4. Approved Proposals

The following comprehensive health reform proposal was approved during the month of December.

Demonstration Title/State: Better Access for You (BAY) Health Plan Demonstration—Alabama.

Description: Alabama's Section 1115 demonstration waiver proposal, Better Access for You (BAY) Health Plan,'' is a 5-year demonstration project that will enroll current Medicaid beneficiaries into managed care and offer enhanced family planning benefits up to 24 months to low-income women. The State will initially implement the demonstration in Mobile County with possible expansion to other counties.

Date Received: July 10, 1995.

State Contact: Vicki Huff, Director of Managed Care, Alabama Medicaid Agency, 501 Dexter Avenue, P.O. Box 5624, Montgomery, AL 36103–5624, (334) 242–5011.

Federal Project Officer: Maria Boulmetis, Health Care Financing Administration, Office of Research and Demonstrations, Office of State Health Reform Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

5. Disapproved Proposals

No proposals were disapproved during the month of December.

6. Withdrawn Proposals

No proposals were withdrawn during the month of December.

B. Other Section 1115 Demonstration Proposals

1. New, Pending, Approved, Disapproved, and Withdrawn Proposals

We did not receive any new proposals or approve or disapprove any Other Section 1115 Demonstration Proposals during the month of December nor were any proposals withdrawn during that month. Pending proposals for the month of November 1996 identified in the Federal Register of January 16, 1997 (62 FR 2374) and listed in the Federal Register of December 9, 1996 (61 FR 64914) remain unchanged.

III. Requests for Copies of a Proposal

Requests for copies of a specific Medicaid proposal should be made to the State contact listed for the specific proposal. If further help or information is needed, inquiries should be directed to HCFA at the address above.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations, and Experiments)

Dated: February 10, 1997.

Barbara Cooper,

Acting Director, Office of Research and Demonstrations.

[FR Doc. 97–4649 Filed 2–24–97; 8:45 am]

BILLING CODE 4120–01–P

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1997:

Name: National Advisory Council on Migrant Health

Date & Time: Starts: Friday, March 21, 1997 at 8:00 am; Ends: Saturday, March 22, 1997 at 5:00 pm.

Place: Embassy Row Hotel, 2015 Massachusetts Avenue, NW, Washington, DC 20036, 202/256–1600.

The meeting is open to the public.

Agenda: This will be a meeting of the Council. The agenda includes an overview of Council general business activities and priorities. The Council will hear a presentation from EPA regarding the outcome of the public hearings on the Worker Protection Standards. They will also be discussing Council Recommendations with federal representatives.

The Council meeting is being held in conjunction with the National Association of Community Health Centers, Policy and Issues Forum, March 22–26, 1997.

Anyone requiring information regarding the subject Council should contact Susan Hagler, Migrant Health Program, Staff Support to the National Advisory Council on Migrant Health, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East West Highway, Room 7–A51, Bethesda, Maryland 20814, Telephone (301) 594–4302.

Agenda Items are subject to change as priorities dictate.

Dated: February 19, 1997.

J. Henry Montes,

Director, Office of Policy and Information Coordination, HRSA.

[FR Doc. 97–4593 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–15–P

Substance Abuse and Mental Health Services Administration

Community Action Grant Applications—Technical Assistance Workshop

AGENCY: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, DHHS.

ACTION: Notice of technical assistance workshop.

The Division of Knowledge Development and Systems Change, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration will hold a technical assistance workshop to assist prospective applicants in responding to the Guidance for Applicants (GFA No. SM 97–002) entitled ''Community Action Grants for Service Systems Change.'' A Notice of Funding Availability for this grant program was published in the Federal Register on February 10, 1997.

DATE: March 4, 1997.

LOCATIONS: Prospective applicants may participate at any one of four locations. Three of those locations will be satellite units at Federal Regional Offices connected to the central unit by teleconference. However, Federal personnel will be available at each location. For further information, please call (301) 443–3606 except that telephone requests for directions to the satellite units should be made by calling the phone number listed for that site. Please note the meeting times vary according to location. The central unit will be located at: U.S. Public Health Service, 5600 Fishers Lane, Conference Room G, Rockville, MD 20857, Attn: Neal Brown, Telephone: (301) 443–3606, Time: 1:00 to 4:00 pm EST.

Satellite units will be located at these offices of the U.S. Health Care Financing Administration:

101 Marietta Towers, Suite 701, Atlanta, GA 30323, Attn: Janice Hargrove, Telephone: (404) 331–2329, Time: 1:00 to 4:00 pm EST.

1200 Main Street, Suite 2000, Dallas, TX 75202, Attn: Mary Jane Collard, Telephone: (214) 767–6428, Time: 12:00 to 3:00 pm CST.

75 Hawthorne Street, Room 401, San Francisco, CA 94105, Attn: Janice Myrick, Telephone: (415) 744–3523, Time: 10:00 am to 1:00 pm PST.

Limited audio connection may be available on a first-come, first-served basis at the time of the meeting. To access, please call (410) 786–7370, at callers expense.

AGENDA HIGHLIGHTS: Federal personnel will briefly explain the Community Action Grant program and answer questions about the program, and about administrative requirements for grant applications. The presentation will include explanations of the purpose of the program, its key elements, application review criteria, and grant award criteria. Copies of GFA No. SM 97–002, Public Health Service Grant Application forms—PHS 5161–1 (Rev. 5/96), will be available at the workshop at all four locations.

Those attending the workshop are expected to make their own arrangements for travel and accommodations. Reservations for the workshop are not necessary.

Dated February 18, 1997.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 97–4595 Filed 2–24–97; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4200–N–31]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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: April 28, 1997.

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: Oliver Walker, Housing, Department of Housing and Urban Development, 451—7th Street, SW, Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Telephone number (202) 708–1672 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit 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).

The 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: Monthly Delinquent Loan Report.

OMB Control Number: 2502–0060.

Description of the need for the information and the proposed use: The data compiled from the information collected is a management tool which assists HUD in monitoring, evaluating and comparing the performance and servicing practices of HUD-approved mortgagees.

HUD uses the data collected to identify potential risks to the insurance fund. A high default/foreclosure ratio is an immediate indicator that a mortgagee may be servicing its loans in a manner that encourages defaults and which increases HUD's exposure and likelihood of paying a claim.

Agency form numbers: HUD–92068A.

Members of affected public: Business or other for-profit.

An estimation of the total numbers of hours needed to prepare the information collection is 24,000, number of respondents is 4,000, frequency of response is monthly and the hours per response is .5.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 19, 1997.

Nicolas P. Retsinas,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 97–4684 Filed 2–24–97; 8:45 am]

BILLING CODE 4210–27–M

[Docket No. FR–4200–N–29]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 27, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: 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).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 13, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: The Community Renaissance Fellows Program.

Office: Policy Development and Research.

OMB Approval Number: 2528–0183.

Description of the Need for the Information and its Proposed Use: The Community Renaissance Fellows Program will provide stipends to exceptional mid-career professionals to become community builders. HUD created the Community Renaissance Fellows Program in response to the lack of trained urban planning, development, and public housing professionals necessary to undertake large-scale, complex urban revitalization projects. The program will place at least 20 Fellows annually in HOPE VI and other Public Housing Authorities projects.

Form Number: None.

Respondents: Individuals or Households, Business or Other For-Profit, Not-For-Profit Institutions, and State, Local, or Tribal Government.

Frequency of Submission: On Occasion and Monthly.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Application	300		1		16		4,800
Monthly Reports	20		12		2		480

Total Estimated Burden Hours: 5,280.

Status: Reinstatement, without changes.

Contact: Jane Karadbil, HUD, (202) 708–1537, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 97–4540 Filed 2–24–97; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. FR–4200–N–28]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 27, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: 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).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 14, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Hispanic-Serving Institutions Work Study Program.

Office: Policy Development and Research.

OMB Approval Number: 2528–0182.

Description of the Need for the Information and Its Proposed Use: The information collection is essential to select grantees for the Hispanic-serving Institution Work Study Program. The information collected will be needed to ensure that grantees are utilizing their funds in accordance with statutory requirements and program goals.

Form Number: None.

Respondents: Not-For-Profit Institutions.

Frequency of Submission: On Occasion, Annually, and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequence of response	×	Hours per response	=	Burden hours
Application	89		1		40		3,560
Annual Reports	30		1		6		180
Final Reports	30		1		8		240
Recordkeeping	30		1		5		150

Total Estimated Burden Hours: 4,130.

Status: Reinstatement, without change.

Contact: Jane Karadbil, HUD, (202) 708–1537, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 97–4541 Filed 2–24–97; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. FR–4200–N–27]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 27, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and

Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: 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).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 14, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Rental Schedule.

Office: Housing.

OMB Approval Number: 2502–0012.

Description of the Need for the Information and its Proposed Use: Section 207(a) of the National Housing Act requires all project owners to submit a ''Rental Schedule'' when requesting an adjustment to project rents. Form HUD–92458 is used by the Department to establish and approve rental charges and utility allowances.

Form Number: HUD–92458.

Respondents: Business or Other For-Profit, Not-For-Profit Institutions, and the Federal Government.

Frequency of Submission: On Occasion and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–92458	16,000		1		.33		5,333

Total Estimated Burden Hours: 5,333.

Status: Reinstatement, without changes.

Contact: Barbara D. Hunter, HUD, (202) 708–3944, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 97–4542 Filed 2–24–97; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

PRT–825384

Applicant: Wisconsin Department of Natural Resources, Madison, Wisconsin.

The applicant requests a permit to take Karner Blue Butterflies (*Lycaeides melissa samuelis*) on lands owned and/or managed by the Wisconsin Department of Natural Resources. Take will involve land use and land management practices to create and protect suitable butterfly habitat. Habitat management involves various forms of disturbance which may injure or kill individual butterflies, but maintains habitat upon which the species depends. In addition to land management and disturbance, the applicant proposes to implement biological monitoring of habitats and populations, including, but not limited to, biological surveys and research activities to begin implementation of recovery goals for the species. Activities are proposed for the purpose of survival and enhancement of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/725–3536 x250); FAX: (612/725–3526).

Dated: February 14, 1997.

John A. Blankenship,

Assistant Regional Director, IL, IN, MO (Ecological Services), Region 3, Fort Snelling, Minnesota.

[FR Doc. 97–4505 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–55–P

North American Wetlands Conservation Council; Meeting Announcement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet on March 27 to review proposals for funding submitted pursuant to the North American Wetlands Conservation Act. Upon completion of the Council's review, proposals will be submitted to the Migratory Bird Conservation Commission for funding approval. The meeting is open to the public.

DATES: March 27, 1997, 1 p.m.

ADDRESSES: The meeting will be held at 4401 N. Fairfax Drive, Room 200, Arlington, Virginia 22203. The North

American Wetlands Conservation Council Coordinator is located at Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Room 110, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Byron Kenneth Williams, Coordinator, North American Wetlands Conservation Council, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with the North American Wetlands Conservation Act (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the North American Wetlands Conservation Council is a Federal-State-private body which meets to consider wetland acquisition, restoration, enhancement and management projects for recommendation to and final approval by the Migratory Bird Conservation Commission. Proposals from State, Federal, and private sponsors require a minimum of 50 percent non-Federal matching funds.

Dated: February 13, 1997.

Jay L. Gerst,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 97–4550 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Indian Affairs

Proposed Road Maintenance Funding Distribution Methodology

ACTION: Notice; Reopening of comment period.

SUMMARY: This notice reopens the comment period on the Bureau of Indian Affairs' proposed funding distribution methodology for the road maintenance program. The Bureau is seeking more comments to better enable it to develop and implement a policy that will meet the needs of the tribes.

DATES: Comments must be received on or before April 28, 1997.

ADDRESSES: Send written comments to the Chief, Division of Transportation, Bureau of Indian Affairs, 1849 C Street NW, Mail Stop 4058 MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Transportation, Bureau of Indian Affairs at (202) 208–4359.

SUPPLEMENTARY INFORMATION: On December 19, 1996, we published a notice in the Federal Register at 61 FR 67058 that requested comments on a proposed methodology and formula for distributing the Bureau's road maintenance funds to tribes. The comment period for the proposal ended on February 3, 1997.

Because we did not receive enough comments, we are reopening the comment period. We will consider the comments that we receive as we develop a policy for determining base funding for each tribe that is eligible for road maintenance funds. Interested persons may submit written comments regarding this proposed methodology and formula to the location identified in the address section of this notice.

Dated: February 18, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97–4690 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–02–P

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act, 25 U.S.C. § 2710, the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Compact between the Burns-Paiute Tribe and the State of Oregon, which was executed on December 19, 1996.

DATES: This action is effective February 25, 1997.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: February 12, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97–4597 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[CA–060–07–1990–00]

Notice of Public Meeting

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the Bureau of Land Management and the U.S. Army have scheduled an additional public meeting in Barstow, California on Thursday, March 6 on the Draft Environmental Impact Statement for the Army's proposed expansion of the National Training Center at Fort Irwin. The meeting will begin at 7 p.m. in the Barstow Holiday Inn, located at 1511 East Main Street.

The meeting is scheduled to provide the public who attended the Tuesday, February 18 meeting in Barstow additional opportunity to comment on the DEIS. Army and BLM representatives will present an overview of the DEIS and provide attendees the opportunity to ask questions prior to the formal public meeting. A court reporter will record all comments, which will become part of the record.

Meetings also are scheduled for Thursday, February 20 at 2 p.m. in the Baker Community Center, in Baker and in Sacramento on Monday, February 24 at 2 p.m. and 7 p.m. in the City Council Chambers, located at 915 ''I'' Street.

The Draft Environmental Impact Statement (DEIS) for the Army's proposed Land Acquisition Project for Fort Irwin was released for public comment January 3 and comments will be accepted through April 4. The DEIS addresses the proposed withdrawal of approximately 310,000 acres of public lands currently managed by BLM from entry under public land laws.

Public comments will be accepted through April 4, 1997. Send written comments to the Bureau of Land Management, Attention: Mike Dekeyrel, Project Manager, 150 Coolwater Lane, Barstow, California 92311.

FOR MORE INFORMATION: Contact Mike Dekeyrel at (619) 255–8730 or BLM public affairs in Riverside at (909) 697–5215 for more information or to request a copy of the Fort Irwin DEIS, executive summary or technical appendices.

Dated: February 19, 1997.

Jo Simpson,

Assistant. District Manager, External Affairs.

[FR Doc. 97–4552 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–40–M

[MT–065–07–1430–01; MTM–83721]

Notice of Realty Action and Plan Amendment; Montana

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: The Bureau of Land Management (BLM) is providing notice of a plan amendment of the Judith Valley Phillips Resource Management Plan. The purpose of the amendment is to allow the sale of 80 acres of public land directly to Phillips County, Montana under criterion 2 of section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43

U.S.C. 1713). The BLM is also providing notice of the proposed sale of the same public land in Phillips County involving the surface estate to Phillips County.

SUMMARY: Phillips County will use the purchased land as part of a new proposed Malta Airport. The BLM advised state and local officials about the proposed sale. The estimated fair market value is $12,400. Sale of the public land will occur in May 1997. The 80 acres of described public land is suitable for sale under criterion 2 of section 203 of FLPMA of 1976 (43 U.S.C. 1713); T. 30 N., R. 29 E., P.M.M. sec 11, S½SE¼.

DATES, COMMENTS AND PROTESTS: The effective date of this plan amendment decision and proposed sale notice is the publication date of this notice in the Federal Register.

Any person who participated in the Judith Valley Phillips Resource Management Plan amendment process having an interest or adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment as stated in 43 CFR 1610.5–2. The protest shall be in writing and filed within 30 days of the effective date of this notice. Send protests to the: Director (WO–210), Bureau of Land Management, Attn: Brenda Williams 1849 ''C'' Street NW, Washington, DC 20240.

The protest must contain:

1. The name, mailing address, telephone number and interest of the person filing the protest.
2. A statement of the issue or issues being protested.
3. A statement of the part or parts of the plan amendment being protested.
4. A copy of all documents addressing the issue or issues submitted during the planning process by the protesting party or an indication of the discussion date of the issue(s) for the record.
5. A concise statement explaining why the State Director's decision is believed to be incorrect.

Comments on the proposed sale may occur for 45 days from the date of this notice. Send comments to: Bureau of Land Management, Phillips Resource Area Office, HC 65 Box 5000, Malta, Montana. 59538–0047.

The State Director will weigh adverse comments on the proposed sale and may vacate or change this notice concerning the proposed sale. Without any objections this notice will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the plan amendment, proposed sale and environmental assessment are available from Richard M. Hotaling, Area Manager, Phillips Resource Area, HC 65 Box 5000, Malta, MT 59538–0047, 406–654–1240.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public land described above from appropriation under the public land laws, including the mining laws but not from sale under Section 203 of the FLPMA of 1976. The segregation will end upon issuance of the conveyance document or 270 days from the date of publication of this notice, whichever occurs first. The conveyance of public land is subject to a reservation of a right-of-way for ditches and canals under 43 U. S. C. 945 and a reservation of all federal minerals.

Dated: February 12, 1997.

Richard M. Hotaling,

Area Manager.

[FR Doc. 97–4525 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–DN–P

[UT–942–1430–00]

Notice of Intent to Amend Resource Management Plans (RMPs) and Management Framework Plans (MFPS).

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare plan amendments for the following plans located in said Field Office; Richfield District; Henry Mountain MFP and Parker Mountain MFP, Fillmore District; House Range RMP and Warm Springs RMP, Cedar City District; Pinyon MFP, Vermillion MFP, Zion MFP and portions of the Paria MFP and Cedar Beaver Garfield Antiomony RMP.

SUMMARY: This notice is to advise the public that the Bureau of Land Management is preparing an Environmental Assessment to consider proposed amendments to the above stated land use plans that guide management of the public lands within the Fillmore District and portions of Richfield and Cedar City Districts located within the State of Utah. The proposed amendments would consider additional disposal criteria providing opportunities for land tenure adjustments (excluding sales pursuant to the Federal Land Policy and Managment Act, Section 203).

DATES: The comment period for the preliminary issues and planning criteria identified for the proposed plan amendments will commence with publication of this notice. Comments must be submitted on or before March 27, 1997.

FOR FURTHER INFORMATION CONTACT: For the Cedar City District, Beaver River Resource Area, contact Craig Zufelt or Ervin Larson at 176 East D.L. Sargent Dr., Cedar City, Utah 84720 @ 801–586-2401. For the Cedar City District, Kanab Resource Area contact Mike Noel at 318 North First East, Kanab, Utah 84741 @ 801–644–2672. For the Richfield District, Henry Mountain Resource Area contact Rod Lee at 150 East 900 North, Richfield, Utah 84701 @ 801–896–1524. For the Fillmore District, House Range and Warm Springs Resource Areas contact Nancy DeMille at 35 East 500 North, Richfield, Utah 84631 @ 801–896–6811. Existing planning documents describing current management of the above-stated areas are available at the above addresses. Comments on the proposed plan amendments should be sent to the respective addresses listed above.

SUPPLEMENTARY INFORMATION: The Richfield District; Henry Mountain Resource Area, Fillmore District; House Range and Warm Springs Resource Areas, and Cedar City District, Beaver River and Kanab Resource Area, BLM, are proposing to amend the above mentioned planning documents, to allow opportunities for land tenure adjustments not previously identified in the current planning documents by adding five new land tenure adjustment criteria.

Preliminary planning issues have been identified and consist of possible adverse impacts to public lands that could be removed from public ownership, socio-economic impacts, and impacts on known sensitive natural resources.

The following preliminary disposal criteria have been identified and would set the parameters under which land tenure adjustments (including acquisitions) may take place:

Public lands, in order to be considered for disposal or exchange within the above-mentioned plans, must meet one or more of the following criteria. The land tenure adjustment;

(1) Is in the public interest and accommodates the needs of State, local or private entities, including needs for the economy, community growth and expansion and are in accordance with other land use goals and objectives and RMP/MFP planning decisions;

(2) Results in a net gain of important and manageable resource values on public lands such as crucial wildlife habitat, significant cultural sites, high quality riparian areas, live water, recreation, threatened & endangered species habitat, or areas key to the maintenance of productive ecosystems;

(3) Ensures the accessibility of public lands in areas where access is needed and cannot otherwise reasonably be obtained;

(4) Is essential to allow effective management of public lands in areas where consolidation of ownership is necessary to meet resource management objectives;

(5) Results in the acquisition of lands which serve a national priority as identified in national policy that cannot otherwise be obtained.

All subsequent land tenure adjustments processed in accordance with the above criteria would require additonal site specific analysis as required by the National Environmental Policy Act. Further, land tenure adjustments would be subject to valid existing rights and must be in conformance with other objectives stated in the current planning documents, some of which may preclude disposal.

The following disciplines will be utilized for interdisciplinary input throughout the NEPA process: Archeologist, Lands and Realty Specialist, Wildlife Biologist, Range Conservationist, Botanist, Mineral Specialist and Geologist, Planning Specialist, Soils Scientist, Recreation Specialist and Hydrologist.

Dated: February 18, 1997.

G. William Lamb,

State Director, Utah.

[FR Doc. 97–4526 Filed 2–24–97; 8:45 am]

BILLING CODE 4310–DQ–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–760 (Preliminary)]

Needle Bearing Wire From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–760 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)) (the Act) to determine whether there is a reasonable indication that 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 imports from Japan of needle bearing wire, having a diameter of 1.0 mm or more, provided for in subheading 7229.90.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. § 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by March 31, 1997. The Commission's views are due at the Department of Commerce within five business days thereafter, or by April 7, 1997.

For further information concerning the conduct of this investigation 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 B (19 CFR part 207), as amended in 61 FR 37818 (July 22, 1996).

EFFECTIVE DATE: February 14, 1997.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202–205–3179), 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 or ftp://ftp.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on February 14, 1997, by E.C.D., Inc., Hillside, NJ.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the Federal Register. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

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 this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. § 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 7, 1997, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Fischer (202–205–3179) not later than March 4, 1997, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 12, 1997, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (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: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: February 21, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–4734 Filed 2–24–97; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 19, 1997.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). A copy of ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5096 ext. 143). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for Occupational Safety and Health Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

* 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;

* 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;

* enhance the quality, utility, and clarity of the information to be collected; and

* 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.

Agency: Occupational Safety and Health Administration.

Title: OSHA Data Collection Systems.

OMB Number: Form 196A, 196B.

Frequency: Annually.

Affected Public: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 80,000.

Estimated Time Per Respondent: 30 minutes.

Total Burden Hours: 35,000.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: The 1997 OSHA Data Collection will request 1996 injury and illness data from 80,000 worksites with 60 or more employees in industries listed in the following table.

1997 DATA COLLECTION INDUSTRIES

[All worksites with 60 or more employees]

SIC	Industry
20–39	Manufacturing
0783	Ornamental shrub and tree services.
4214	Local trucking with storage.
4215	Courier services, except by air.
4220	Public warehousing and storage.
4491	Marine cargo handling.
4580	Airports, flying fields, & services.
4783	Packing and crating.
4953	Refuse systems.
5051	Metals service centers and offices.
5093	Scrap and waste materials.
5140	Groceries and related products.
5180	Beer, wine, and distilled beverages.
5210	Lumber and other building materials.
8050	Nursing and personal care facilities.

Theresa M. O'Malley,

Departmental Clearance Officer.

[FR Doc. 97–4635 Filed 2–24–97; 8:45 am]

BILLING CODE 4510–26–M

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting Notice

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: March 13, 1997, 10:00 a.m.–12:00 noon, U.S. Department of Labor, Room S–1011, 200 Constitution Ave., NW, Washington, D.C. 20210.

Purpose: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Potential U.S. negotiating objectives and bargaining positions in current and anticipated trade negotiations will be discussed. Pursuant to section 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B) it has been determined that the meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, the meeting will be closed to the public.

For further information, contact: Jorge Perez-Lopez, Director, Office of International Economic Affairs. Phone: (202) 219–7597.

Signed at Washington, D.C. this 19th day of February, 1997.

Andrew J. Samet,

Acting Deputy Under Secretary, International Affairs.

[FR Doc. 97–4637 Filed 2–24–97; 8:45 am]

BILLING CODE 4510–28–M

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collection of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Local Area Unemployment Statistics (LAUS) Reports 8, 15–17.''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 28, 1997.

The Bureau of Labor Statistics is particularly interested in comments which:

• 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;

• 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;

• Enhance the quality, utility, and clarity of the information to be collected; and

• 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 submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, D.C. 20212. Ms. Kurz can be reached on 202—606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics has been charged by Congress [Congressional Act of July 7, 1930 (29 U.S.C. Chapters 1 and 2)] with the responsibility of collecting and publishing monthly information on employment, the average wage received, and the hours worked by area and industry. The process for developing residency based employment and unemployment estimates is a cooperative Federal-State program which uses employment and unemployment inputs available through State agencies.

The reports covered by this collection are integral parts of the Local Area Unemployment Statistics (LAUS) program insofar as they insure and/or measure the timeliness, quality, consistency, and adherence to program directions of the LAUS estimates and related research. LAUS program data are used in economic analysis by public agencies and private industry, and for State and area allocations and eligibility determinations according to legal and administrative requirements. Implementation of policy and legislative prerogatives could not be accomplished as now written without collection of the data.

II. Current Actions

Exportable software associated with monthly LAUS transmittals eliminated the need for the Monthly Report on Continued Claimants by Place of Residence (LAUS 6). Electronic transmittals of any corrections to regularly submitted data have eliminated the need to use Monthly and Area Correction Forms (LAUS 13 and 14).

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: Local Area Unemployment Statistics (LAUS) Reports 8, 15–17.

OMB Number: 1220–0043.

Affected Public: State Government.

Form	Total respondents	Frequency (years)	Total annual responses	Average time per response (hours)	Estimated total burden (hours)
LAUS 8	52	15	780	1	780
LAUS 15	52	0.5	26	2	52
LAUS 16	52	2	104	1	104
LAUS 17	52	4	208	0.5	104
Totals			1,118		1,040

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 18th day of February, 1997.

W. Stuart Rust, Jr.,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 97–4636 Filed 2–24–97; 8:45 am]

BILLING CODE 4510–24–M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Full Committee Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health (ACCSH), established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on March 13–14, 1997 at the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–4215A–C, Washington, DC.

In addition, on March 11, 1997, the Safety and Health Program Standard Work Group will meet in Room C–5521 #4. On March 11–12, 1997, the Scaffolds/Appendix B Work Group will meet in Room S–5215C. On March 12, the Residential Construction Project Work Group will meet in Room N–3437A–B, the Health and Safety of Women in Construction Work Group will meet in Room C–5515B, and the Data Collection Work Group will meet in Room C–5515C from 2:00–4:30 p.m. The meetings of the work groups and of the full Committee are open to the public and, except as noted above, will begin at 9 a.m. on each day. The meeting will conclude at approximately 4:30 p.m. on March 13 and at approximately 12:00 p.m. on March 14.

On March 13, the Agency will update the Committee regarding the activities of the Directorate of Construction, OSHA rulemaking activity, and the application of OSHA's Butadiene standard to construction employment. In addition, there will be a presentation regarding the standards for cranes used in construction (part 1926, subpart N). Also, NIOSH will describe its recent construction-related activities.

After a lunch break, OSHA will brief the Committee regarding Ergonomics, the Agency's budget, and OSHA's FY 1997 initiatives. There will also be presentations regarding the interpretation of OSHA enforcement data and the use of OSHA settlement agreements to improve employee protection.

On March 14, there will be a presentation regarding efforts to certify that employees have received required training. In addition, the work groups on Safety and Health Programs, Residential Construction, Scaffolds,

Health and Safety of Women in Construction, and Data Collection will report back to the full Advisory Committee. The full Committee will discuss the reports from the work groups.

Written data, views or comments may be submitted, preferably with 20 copies, to the Office of Public Affairs, at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone who wishes to make an oral presentation should notify the Office of Public Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chairman of the Advisory Committee. Individuals with disabilities who wish to attend the meeting should contact Theresa Berry, at the address indicated below, if special accommodations are needed.

For additional information contact: Theresa Berry, Office of Public Affairs, Room N–3647, Telephone 202–219–8615, at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC, 20210. An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, Telephone 202–219–7894.

Signed at Washington, D.C. this 20th day of February, 1997.

Gregory R. Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97–4634 Filed 2–24–97; 8:45 am]

BILLING CODE 4510–26–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Sunshine Act Meeting of the Presidential Search Committee of the Board of Directors

TIME AND DATE: The Presidential Search Committee of the Legal Services Corporation Board of Directors will meet by teleconference on February 27, 1997, at 10:30 a.m. EST.

STATUS OF MEETING: Open.

LOCATION: Members of the Committee and directors wishing to participate, as well as members of the Corporation's staff and the public, will be able to hear and participate in the meeting by means of telephonic conferencing equipment set up for this purpose in the Corporation's Conference Room, on the 11th floor of 750 First Street, N.E., Washington, D.C. 20002.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.

2. Formulation and adoption of process to govern the committee's remaining functions, including but not necessarily limited to interviewing of candidates and development of recommendation(s) to make to the full board.

3. Other business, including public comment and scheduling of the Committee's next meeting.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel & Secretary of the Corporation, (202) 336–8810.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Barbara Asante, at (202) 336–8800.

Dated: February 21, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–4781 Filed 2–21–97; 2:36 pm]

BILLING CODE 7050–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Agenda, Sunshine Act Meeting

TIME: 9:30 a.m., Tuesday, March 4, 1997.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE DISCUSSED:

6814

Aviation Accident Report: In-flight Loss of Control and Subsequent Collision with Terrain, Cessna 177B, N35207, Cheyenne, Wyoming, April 11, 1996.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 314–6065.

Dated: February 21, 1997.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 97–4780 Filed 2–21–97; 1:57 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of February 24, March 3, 10, and 17, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of February 24

Wednesday, February 26

11:30 a.m. Affirmation Session (Public Meeting) (if needed)

Week of March 3—Tentative

There are no meetings scheduled for the Week of March 3.

Week of March 10—Tentative

Monday, March 10—Tentative

10:30 a.m. Briefing on 10 CFR 50.59 Regulatory Process Improvements (Public meeting)

2:30 p.m. Briefing on Implementation of Maintenance Rule, Revised Regulatory Guide, and Consequences (Public meeting) (Contact: Suzanne Black, 301–415–1017)

Thursday, March 13—Tentative

11:30 a.m. Affirmation Session (Public meeting) (if needed)

Week of March 17—Tentative

There are no meetings scheduled for the Week of March 17.

* * * * *

By a vote of 5–0 on February 18, the Commission determined pursuant to U.S.C. 552b(e) and 10 CFR Sec. 9.107(a) of the Commission's rules that ''Discussion of Interagency Issues (Closed—Ex. 9)'' be held on February 18, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in

receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

Dated: February 21, 1997.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 97–4789 Filed 2–21–97; 2:33 pm]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation; Vermont Yankee Nuclear Power Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that on December 6, 1996, the Citizens Awareness Network, Inc. (CAN or Petitioner) filed a Petition pursuant to 10 CFR 2.206 with the Secretary of the U.S. Nuclear Regulatory Commission (NRC) requesting evaluation of certain documents relating to the Vermont Yankee Nuclear Power Station operated by the Vermont Yankee Nuclear Power Corporation (Licensee) to determine whether enforcement action was warranted.

The first document included in the Petition is a CAN memorandum dated December 5, 1996, that reviews information presented by the Licensee at an enforcement conference held on July 23, 1996, involving the Vermont Yankee residual heat removal system minimum flow valves. CAN raises a concern that the corrective action taken by the Licensee in opening these valves may have introduced an unreviewed safety question with regard to containment isolation.

The second document included in the Petition is a CAN memorandum dated December 6, 1996, that reviews certain licensee event reports (LERs) submitted by the Licensee in the latter part of 1996. A variety of issues are discussed including fire protection, tornado protection, thermal protection for piping lines, equipment operability, and equipment testing. On the basis of its analysis of the LERs, CAN reaches certain conclusions regarding the performance of the Licensee and actions that should be taken.

On the basis of these documents, CAN requests that the NRC determine whether enforcement action is warranted pursuant to 10 CFR 2.206.

The issues in the Petition are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by 10 CFR 2.206, appropriate action with regard to these issues will be taken within a reasonable time. By letter dated February 12, 1997, the Acting Director acknowledged receipt of the Petition.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555–0001, and at the local public document room located at Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

Dated at Rockville, Maryland, this 12th day of February 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–4572 Filed 2–24–97; 8:45 am]

BILLING CODE 7590–01–P

Operator Licensing Examination Standards Interim Revision; Notice of Availability

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of Availability.

SUMMARY: The Nuclear Regulatory Commission has issued interim Revision 8 of NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors,'' (formerly ''Operator Licensing Examiner Standards''). The Commission uses this document to provide policy and guidance for the development, administration, and grading of written examinations and operating tests used to determine the qualifications of individuals who apply for operator and senior operator licenses at nuclear power plants pursuant to Part 55 of Title 10 of the Code of Federal Regulations (10 CFR Part 55). The NUREG provides similar guidance for verifying the continued qualifications of licensed operators when the staff determines that NRC requalification examinations are necessary.

NUREG–1021 has been revised to incorporate the examination development process described in Generic Letter 95–06, ''Changes in the Operator Licensing Program,'' dated August 15, 1995, and permits power reactor facility licensees to continue preparing their initial operator licensing examinations on a voluntary basis pending an amendment to 10 CFR Part 55 that will require facility participation. Interim Revision 8 incorporates lessons learned during a pilot examination program conducted from October 1995 to April 1996 and industry recommendations submitted in response to the NRC's request for public comments published in the Federal Register on February 22, 1996 (61 FR 6869). The guidance that was previously contained in NUREG/BR–0122, ''Examiners' Handbook for Developing Operator Licensing Written Examinations,'' has been appended to NUREG–1021, and a number of minor improvements and clarifications that were recommended by industry groups, licensed operators, and NRC examiners and managers have also been adopted. The entire NUREG has been reformatted to more clearly identify the various organizational responsibilities and is being reissued in its entirety. The NRC intends to solicit comments on this interim revision during the rulemaking process and to issue the final version of Revision 8 in conjunction with the final rule.

For examinations prepared by the NRC, interim Revision 8 will become effective 60 days after the date of this notice. The corporate notification letters issued after the effective date will give facility licensees at least 120 days of advance notice that the examinations will be administered in accordance with the revised procedures. Facility licensees that volunteered to prepare their examinations before the date of this notice are expected to prepare the examinations based on the guidance in interim Revision 8 or the pilot examination guidance in Generic Letter 95–06, as arranged with their NRC Regional Office. Facility licensees that volunteer after the date of this notice are expected to prepare the examinations based on the guidance in interim Revision 8. Facility licensees may propose deviations from the specific guidance in NUREG–1021, and the NRC will review and approve the deviations, as appropriate. However, the NRC will not approve any deviation that would compromise its statutory responsibility of prescribing uniform conditions for the licensing of nuclear power plant operators.

Copies of NUREG–1021, interim Revision 8, are being mailed to the plant or site manager at each nuclear power facility regulated by the NRC. A copy is available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. NUREG–1021 is also electronically available for downloading from the Internet at ''http://www.nrc.gov''.

Dated at Rockville, Maryland, this 3rd day of February 1997.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Chief, Operator Licensing Branch, Division of Reactor Controls and Human Factors, Office of Nuclear Reactor Regulation.

[FR Doc. 97–4571 Filed 2–24–97; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Issuance of Transmittal Memorandum No. 17, Amending OMB Circular No. A–76, ''Performance of Commercial Activities''

AGENCY: Office of Management and Budget.

SUMMARY: This notice contains Transmittal Memorandum No. 17, to OMB Circular No. A–76, ''Performance of Commercial Activities.''

This Transmittal Memorandum updates the Federal pay raise assumptions and inflation factors used for computing the Government's in-house personnel and non-pay costs for Fiscal Years 1997 through 2003. The Federal pay raise assumptions and the non-pay category rates are, generally, contained in the President's Budget for Fiscal Year 1998. The factors contained in OMB Circular No. A–76, Transmittal Memorandum No. 16 are outdated. It should not be assumed that these civilian pay raises will be those that will be in effect for preparation of the FY 1999 Budget. Guidance on pay raise assumptions to use for the FY 1999 Budget will be issued to agencies prior to the Budget submission date.

The revision does not require any agency to (1) create or maintain a duplicate control/monitoring/reporting system or (2) adopt any additional controls, not presently in compliance with Federal Acquisition Regulations (FAR).

Agencies are reminded that OMB Circular No. A–76, Transmittal Memoranda 1 through 14 are canceled. Transmittal Memorandum No. 15 provided the Revised Supplemental Handbook, dated March 1996 (Federal Register, April 1, 1996, pages 14338–14346).

DATES: As with previous OMB Circular A–76 Transmittals, the provisions of Transmittal Memorandum No. 17 are effective immediately and shall apply to all cost comparisons in progress that have not yet undergone bid opening or where the in-house bid has not yet otherwise been revealed.

FOR FURTHER INFORMATION CONTACT: Mr. David Childs, Budget Analysis and Systems Division, NEOB Room 6002, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503, Telephone Number: (202) 395–6104, FAX Number (202) 395–7230.

Franklin D. Raines,

Director.

Executive Office of the President

Office of Management and Budget

Washington, D.C. 20503

February 13, 1997.

Circular No. A–76 (Revised)

Transmittal Memorandum No. 17

To the Heads of Executive Departments and Agencies

Subject: Performance of Commercial Activities

This Transmittal Memorandum updates the Federal pay raise assumptions and inflation factors used for the computing the Government's in-house personnel and non-pay costs, as generally provided in the President's Budget for Fiscal Year 1998. However, because the 1998 Budget did not specify 1999–2003 pay raises for civilian employees, *for purposes of A–76 cost comparison determinations only*, the civilian pay raise percentages for 1999–2003 shall be assumed to be the same as the military pay raise assumptions for the corresponding years as shown below. It should *not* be assumed that these civilian pay raises will be those that will be in effect for preparation of the FY 1999 Budget. Guidance on pay raise assumptions to use for the FY 1999 Budget will be issued to agencies prior to the Budget submission date.

Similarly, the non-pay inflation factors are for purposes of A–76 cost comparison determinations only. They reflect the generic non-pay inflation assumptions used to develop the FY 1998 Budget baseline estimates required by law. The law requires that a specific inflation factor (GNP fixed-weight FY/FY index) be used for this purpose. These inflation factors should not be viewed as estimates of expected inflation rates for major long-term procurement items or as an estimate of inflation for any particular agency's non-pay purchases mix.

The following factors should be applied per paragraph B, pages 19–21 of the OMB Circular A–76 Revised Supplemental Handbook (March 1996).

Federal pay raise assumptions effective date	Military/civilian
January 1998	2.8
January 1999	3.0
January 2000	3.0
January 2001	3.0
January 2002	3.0
January 2003	3.0

Non-Pay Categories (Supplies and Equipment, etc.)

FY 1996	2.2
FY 1997	2.5
FY 1998	2.6
FY 1999	2.6
FY 2000	2.6
FY 2001	2.6
FY 2002	2.6
FY 2003	2.6

Geographic pay differentials received in 1997 shall be included for the development of in-house personnel costs. The above pay raise factors shall be applied after consideration is given to the geographic pay differentials. The pay raise factors provided for 1998 and beyond shall be applied to all employees, with no assumption being made as to how they will be distributed between possible locality and ECI-based increases.

These updates are effective as follows: all changes in the Transmittal Memorandum are effective immediately and shall apply to all cost comparisons in process where the Government's in-house cost estimate has not been publicly revealed before this date.

Agencies are reminded that OMB Circular No. A–76, Transmittal Memorandum 1 through Transmittal Memorandum 14 are canceled. Transmittal Memorandum No. 15 provided the Revised Supplemental Handbook, and is dated March 27, 1997 (Federal Register, April 1, 1996, pages 14338–14346). Transmittal Memorandum No. 16, which provided last year's OMB Circular A–76 Federal pay raise and inflation factor assumptions is also hereby canceled.

Sincerely,

Franklin D. Raines,

Director.

[FR Doc. 97–4511 Filed 2–24–97; 8:45 am]

BILLING CODE 3110–01–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

TIMES AND DATES: 10:30 a.m., Monday, March 3, 1997; 8:30 a.m., Tuesday, March 4, 1997; and 8:00 a.m. Wednesday, March 5, 1997.

PLACE: Washington, D.C., U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room.

STATUS: March 3 (Closed); March 4 (Open); March 5 (Closed).

MATTERS TO BE CONSIDERED:

Monday, March 3 – 10:30 a.m. (Closed)

1. Inspector General Functions.
2. Postal Rate Commission Docket No. C96–1, Pack & Send.
3. Postal Rate Commission Opinion and Recommended Decision on Special Services.
4. Exercising the Board's Reserved Approval Authority with Respect to Performance of a Prototype for the Tray Management System.
5. Contingency Planning.
6. Compensation Issues.

Tuesday, March 4 – 8:30 a.m. (Open)

1. Minutes of the Previous Meeting, February 3–4, 1997.
2. Remarks of the Postmaster General/Chief Executive Officer.

3. Consideration of Inspector General Functions.

4. Briefing on Customer Perfect!

5. Briefing on Procurement Policies.

6. Tentative Agenda for the April 7–8, 1997, meeting in New Orleans, Louisiana.

Wednesday, March 5 – 8:00 a.m. (Closed)

1. Continuation of Monday's Closed Agenda.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Koerber, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260–1000. Telephone (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 97–4782 Filed 2–21–97; 2:01 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38299; File No. SR–Amex–97–01]

Self-Regulatory Organizations; Notice of Filing of, and Order Granting Accelerated Approval to, Proposed Rule Change by the American Stock Exchange, Inc. Relating to a Pilot Program for Execution of Specialists' Liquidating Transactions

February 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 13, 1997, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange submitted Amendment No. 1 on February 14, 1997.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex is proposing permanent approval of the pilot program that amended Exchange Rule 170 to permit a specialist to effect a liquidating transaction on a zero minus tick,[3] in the case of a ''long'' position, or a zero plus tick,[4] when covering a ''short'' position, without Floor Official approval. The pilot program also amended Rule 170 to set forth the affirmative action that specialists are required to take subsequent to effecting various types of liquidating transactions. In the alternative, the Exchange is requesting a three-week extension of the pilot program.

The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On November 15, 1996, the Commission approved an extension until February 14, 1997 of a pilot program that amended Exchange Rule 170 to permit a specialist to effect a liquidating transaction on a zero minus tick, in the case of a ''long'' position, or a zero plus tick, when covering a ''short'' position, without Floor Official approval.[5] The amendments also set forth the affirmative action that specialists are required to take subsequent to effecting various types of liquidating transactions.

During the course of the pilot program, the Exchange has monitored compliance with the requirements of the Rule, and its findings in this regard have been forwarded to the Commission under separate cover. The Amex believes the amendments have provided specialists with flexibility in liquidating specialty stock positions in order to facilitate their ability to maintain fair and orderly markets, particularly during unusual market conditions. In addition, the specialist's concomitant obligation to participate as a dealer on the opposite side of the market after a liquidating transaction has been strengthened.

The Exchange is therefore proposing permanent approval of the amendments to Rule 170 or, in the alternative, a three-week extension of the pilot program.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act[6] in general and furthers the objectives of Section 6(b)(5)[7] in particular in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and, in general, protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with Section 11(b) of the Act[8] which allows exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the

[1] 15 U.S.C. 78s(b)(1).

[2] *See* letter from Claudia Crowley, Special Counsel, Amex, to Anthony P. Pecora, Attorney, Division of Market Regulation, SEC, dated February 14, 1997 (''Amendment No. 1''). Amendment No. 1 modified the proposed rule change by granting the Commission the authority to extend the specialist liquidating pilot program for up to three weeks as an alternative to permanent approval of the pilot program.

[3] A zero minus tick is a price equal to the last sale where the last preceding transaction at a different price was at a higher price.

[4] A zero plus tick is a price equal to the last sale where the last preceding transaction at a different price was at a lower price.

[5] Securities Exchange Act Release No. 37958 (Nov. 15, 1996), 61 FR 59476 (approving File No. SR–Amex–96–42) (''November 1996 Approval Order'').

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(15).

[8] 15 U.S.C. 78k(b).

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Also, copies of such filing will be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–97–01 and should be submitted by [insert date 21 days from date of publication].

IV. Commission's Findings and Order Granting Accelerated Approval to the Proposed Rule Change

The Commission finds that the Exchange's proposal to extend its pilot program concerning the execution of specialists' liquidating transactions until March 7, 1997, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to promote just the equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest. The Commission also believes the proposal is consistent with Section 11(b) of the Act[10] and Rule. 11b–1[11] thereunder, which allow exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets.

The Exchange originally proposed to amend Amex Rule 170 in File No. SR–Amex–92–26.[12] The proposed rule change, filed as a one-year pilot program, amended Amex Rule 170 to permit specialists to ''reliquidate'' a dealer position by selling stock on a direct minus tick or by purchasing stock on a direct plus tick, but only if such transactions are reasonably necessary for the maintenance of a fair and orderly market and only if the specialist has obtained the prior approval of a Floor Official. Under the pilot program, a specialist, also may sell ''long'' on a zero minus tick, or by purchasing on a zero plus tick to cover a ''short'' position, without Floor Official approval. Although liquidations on a zero minus or on a zero plus tick can be effected under the pilot procedures without a Floor Official's prior approval, such liquidations are still subject to the restriction that they be effected only when reasonably necessary to maintain a fair and orderly market. In addition, the specialist must maintain a fair and orderly market during the liquidation.

After the liquidation, the specialist is required to re-enter the market on the opposite side of the market from the liquidating transaction to offset any imbalances between supply and demand. During any period of volatile or unusual market conditions resulting in significant price movement in a specialist's specialty stock, the specialist's re-entry into the market must reflect, a minimum, his or her usual level of dealer participation in the speciality stock. In addition, during such periods of volatile or unusual price movements, re-entry into the market following a series of transactions must reflect a significant level of dealer participation.

In the April 1994 Approval Order, the Commission requested that the Amex Submit a report setting forth the criteria developed by the Exchange to determine whether any reliquidation by specialist were necessary and appropriate in connection with fair and orderly markets.[13] The Commission also asked, among other things, that the Exchange provide information regarding the Exchange's monitoring of liquidation transactions effected by specialists on any destabilizing tick. In all of the approval orders, the Commission requested that the Amex continue to monitor the pilot and update its report where appropriate.[14] In particular, the Commission asked the Amex to report any noncompliance with the Rule and the action the Amex took as a result of such noncompliance.

The Amex submitted its reports concerning the pilot program to the Commission in May 1995, April 1996, and January 1997. As noted above, the Amex believes the pilot procedures appear to be working well in enabling specialists to reliquidate appropriately to meet the needs of the market. After reviewing the data, the Commission agrees with the Exchange that the pilot program generally is working well. In particular, the Commission believes the report indicates that specialists generally are entering the aftermarket after effecting liquidating transactions when appropriate.

Nevertheless, the Commission believes certain issues concerning the pilot program need to be revisited before permanent approval can be granted. In this regard, the Exchange should continue to emphasize the requirements of Amex Rule 170, including the necessity for Floor Official approval of specialists' purchases and sales on direct plus or minus ticks and that such transactions can only be effected if reasonably necessary for the maintenance of fair and orderly markets. In addition, where proper procedures are not followed, the Amex should take appropriate disciplinary action.[15]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. This will permit the pilot program to continue on an uninterrupted basis. In addition, the Exchange proposes to continue using the identical procedures contained in the pilot program. These procedures have been published in the Federal Register on several occasions for the full comment period,[16] and no comments have been received. Furthermore, the Commission approved a similar rule change for the NYSE also without receiving comments on the proposal.[17] For these reasons, the Commission finds that accelerating approval of the proposed rule change is consistent with Section 19(b)(2) of the Act.[18] Any requests to modify this pilot program, to extend its effectiveness, or to seek permanent approval for the pilot program also should include an update on the disciplinary actions taken for violations of these procedures.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78k(b).

[11] 17 CFR 240.11b–1.

[12] *See* Securities Exchange Act Release No. 33957 (Apr. 22, 1994), 59 FR 22188 (''April 1994 Approval Order'') (approving File No. SR–Amex–92–26). *See also* Securities Exchange Act Release No. 35635 (Apr. 21), 1995), 60 FR 20780 (approving File No. SR–Amex–95–11); Securities Exchange Act Release No. 36014 (July 21, 1995), 60 FR 38870 (approving File No. SR–Amex–95–19); Securities Exchange Act Release No. 37448 (July 17, 1996), 61 FR 38487 (approving File No. SR–Amex–96–19); Securities Exchange Act Release No. 37704 (Sept. 19, 1996), 61 FR 50525 (approving File No. SR–Amex–96–33); November 1996 Approval Order, *supra* note 5.

[13] *See* 1994 Approval Order, *supra* note 12.

[14] *See supra* note 12.

[15] All ''nonsubstantive'' violations of this rule (*e.g.*, failure to obtain the required Floor Official approval when such approval, if sought, would have been granted) should be referred to the Minor Floor Violation Disciplinary Committee, as required by Amex Rule 590. Also, as the Amex has indicated previously, all ''substantive'' violations of this rule (*e.g.*, failure to properly reenter the market or failure to obtain the required Floor Official approval when such approval, if sought, would not have been granted) will be dealt with according to the Exchange's formal disciplinary procedures.

[16] *See supra* note 12 and November 1996 Approval Order *supra* note 5.

[17] *See* Securities Exchange Act Release No. 31797 (Jan. 29, 1993), 58 FR 7277 (approving File No. SR–NYSE–92–20).

[18] 15 U.S.C. 78s(b)(2).

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the proposed rule change (SR–Amex–97–01), as amended, is approved for a pilot period ending on March 7, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4527 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38310; International Series Release No. 1054; File No. SR–AMEX–96–36]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Amendment No. 1 Thereto Relating to the Policy of the Amex Regarding Information Obtained Pursuant to the SEC's Memorandum of Understanding With the CONSOB

February 19, 1997.

I. Introduction

On October 2, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] a proposed rule change to adopt an official Exchange policy concerning the circumstances and conditions under which the Exchange, in order to carry out its market surveillance and enforcement functions for derivative products containing Italian component securities, may obtain access to information regarding activity on the Italian securities markets obtained by the SEC pursuant to the Commission's Memorandum of Understanding (''MOU'') with the Commissione Nazionale per le Societa e la Borsa (''CONSOB''). Amex submitted Amendment No. 1 to the filing on November 12, 1996,[2] which made several clarifications to the original filing.

The proposed rule change was published for comment in the Federal Register on December 2, 1996.[3] No comments were received on the proposal. This order approves the proposal, as amended.

II. Description of the Proposal

The Amex does not have a surveillance sharing agreement with the Milan exchange, which is an unincorporated association and is not able under Italian law to enter into such an arrangement. Therefore, Amex submitted this rule filing to enable the Exchange to carry out its market surveillance and enforcement functions for derivative products containing Italian component securities by seeking the necessary information about activity on the Italian securities markets from the SEC pursuant to the SEC's MOU with CONSOB. The Exchange's proposed policy details the circumstances and conditions under which the Exchange may obtain access to such information from the SEC. By adopting this policy, therefore, the Exchange believes it will be in a position to list derivative products containing Italian component securities because it will be able to have access to information on the underlying securities which it may need for enforcement or market surveillance purposes.[4]

The Exchange's proposed policy provides that the Exchange will advise the SEC of information it needs regarding activity on the Italian securities markets for market surveillance and enforcement purposes. The SEC, in turn, may request the CONSOB's assistance, pursuant to the MOU, in gaining access to such information. The Exchange will use such information it may receive from the SEC only for the purposes of conducting market surveillance and enforcement proceedings. The Exchange will limit distribution of such information to officers and directors of the Exchange and other employees directly responsible for conducting market surveillance and enforcement proceedings relating to the matter in connection with which the SEC provided the information to the Exchange. The Exchange also will undertake to maintain the confidentiality of the information and to take appropriate disciplinary action in the event it learns of a breach of such confidentiality, including referral to the SEC for any action the SEC deems necessary or appropriate.

By adopting a policy that provides access to information on the underlying securities for market surveillance and enforcement purposes, the Exchange will be able to list options and other derivative products containing Italian component securities, provided that all other applicable product listing standards are met. Therefore, the Exchange believes that the proposed rule change could potentially provide investors with the opportunity to invest in such products and hedge their exposure to the Italian securities market.

III. Discussion

After careful review, the Commission finds that the proposed rule hang is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5),[5] in particular, as it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, and to protect investors and the public interest.[6].

Specifically, the Commission believes that, since the Amex does not and cannot have a surveillance sharing agreement with the Milan Exchange, the Amex's adoption of the proposed policy will enable the Exchange to carry out its market surveillance and enforcement functions for derivative products containing Italian component securities by seeking the necessary information about activity on the Italian securities markets from the SEC per the latter's MOU with the CONSOB. The Commission believes that the Exchange's proposed policy adequately details the circumstances and conditions under which the Exchange may obtain access to such information from the SEC.

The Commission believes that, under the Exchange's proposed policy, the Exchange will advise the SEC of information it needs regarding activity on the Italian securities markets for market surveillance and enforcement purposes. The Commission, in turn, may request the CONSOB's assistance, pursuant to the MOU, in gaining access to such information. The Commission notes that the Exchange will use such information it may receive from the SEC only for the purposes of conducting market surveillance and enforcement proceedings. The Commission also

---

[19] *Id.*

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] On November 12, 1996, Amex submitted Amendment No. 1 to its proposed rule filing, making several clarifications to the original filing. *See* Letter from Claire P. McGrath, Managing Director and Special Counsel, Amex, to Michael Walinskas, Senior Special Counsel, Division, Commission, dated November 7, 1996.

[3] Securities Exchange Act Release No. 37973 (November 22, 1996), 61 FR 63884.

[4] This filing only addresses trading requirements relating to necessary surveillance sharing procedures.

[5] 15 U.S.C. 78f(b) and 78f(b)(5).

[6] In approving the rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

notes that the Exchange will limit distribution of such information to officers and directors of the Exchange and other employees directly responsible for conducting market surveillance and enforcement proceedings relating to the matter in connection with which the SEC provided the information to the Amex. In view of the importance of maintaining the confidentiality of this information, the SEC believes that the officers and/or directors overseeing the exchange employees conducting the relevant market surveillance and enforcement proceedings would be responsible for ensuring the confidentiality of the information provided by the SEC pursuant to the MOU with the CONSOB and should take reasonable measures to ensure that the information does not become available to unauthorized persons. Thus, the Commission believes that the Exchange will undertake to maintain the confidentiality of such information and to take appropriate disciplinary action in the event it learns of a breach of such confidentiality, including referral to the SEC for any action the SEC deems necessary or appropriate.

The Commission believes that the Amex, by adopting a policy that provides access to information on the underlying securities for market surveillance and enforcement purposes, will be in a position to list options and other derivative products containing Italian component securities, provided that all other applicable product listing standards are met. Therefore, the Exchange's proposed rule change could potentially provide investors with the opportunity to invest in such products and hedge their exposure to the Italian securities market. Accordingly, the Commission believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to perfect the mechanisms of a free and open market and to protect investors and the public interest.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–AMEX–96–36) is approved, as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4604 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[Release No. 34–38308; File No. SR–Amex–96–44]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the American Stock Exchange, Inc. Relating to the Listing and Trading of Options on Exchange-Traded Fund Shares

February 19, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 21, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. On January 16, 1997, the Exchange filed Amendment No. 1 to the proposal.[1] On February 19, 1997, the Exchange filed Amendment No. 2 to the proposed rule change.[2] The Commission is publishing this notice to solicit comments on the proposed rule change and Amendment Nos. 1 and 2 from interested persons.

[1] In Amendment No. 1, the Exchange states: (1) that the proposal is limited to the listing and trading of options on those exchange-traded fund shares that have received approval from the Commission; and (2) the Exchange will list and trade options on exchange-traded funds shares that hold foreign country securities only if: (i) the Exchange has a market information sharing agreement with the primary exchange for each of the securities held by the fund, or (ii) the fund is classified as a diversified fund as that term is defined by Section 5(b) of the Investment Company Act of 1940 and the securities held in the fund are issued by issuers based in five or more countries. *See* letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Ivette Lopez, Assistant Director, Office of Market Supervision (''OMS'', Division of Market Regulation (''Division''), Commission, dated January 15, 1997. (''Amendment No. 1'').

[2] Amendment No. 2 supersedes and replaces Amendment No. 1 to the extent that it modifies proposed Commentary .06(4) to state that the Amex will list and trade options on exchange-traded fund shares that hold foreign country securities only if: (i) the exchange has an effective surveillance sharing agreement with the primary exchange for each of the securities held by the fund, or (ii) the fund is classified as a diversified fund as that term is defined by Section 5(b) of the Investment Company Act of 1940 and the securities held in the fund are issued by issuers based in five or more countries. The Exchange defines an ''effective surveillance sharing agreement'' as an agreement that would permit the Exchange to obtain trading information relating to the securities held by the fund including the identity of the customers transacting in those securities. *See* letter from Claire P. McGrath, Managing Director and Special Counsel, Amex, to Ivette Lopez, Assistant Director, OMS, Division, Commission, dated February 18, 1997 (''Amendment No. 2'').

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes the adoption of rules to permit the trading of options on securities representing interests in open-end, exchange-listed investment companies that hold securities constituting or based on an index or a portfolio of securities.

The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide for the trading of options on exchange-listed securities representing interests in open-end unit investment trusts or open-end management investment companies that hold securities based on an index or a portfolio of securities (referred to hereinafter as ''Exchange-Traded Fund Shares'' or ''Fund Shares'').[3]

As noted above, a characteristic of all Exchange-Traded Fund Shares is that they are open-ended, and new shares may be created on any business day at a cost related to the net asset value in a transaction with the fund itself. The ability of the seller of a call on any of these Fund Shares to deliver upon exercise will thus be a function of the

[3] Currently, the Exchange trades unit investment trust securities known as Portfolio Depositary Receipts SM (''PDRs'') based on the Standard & Poor's 500® Composite Stock Price Index and the Standard & Poor's MidCap 400 Index ™. In addition, the Exchange trades Index Fund Shares which are issued by an open-end management investment company consisting of seventeen separate series known as World Equity Benchmark Shares SM (''WEBS'') based on seventeen foreign equity market indexes. PDRs and WEBS are listed on the Amex pursuant to Rule 1000, et seq. and Rule 1000A et seq., respectively, and trade like shares of common stock.

availability of shares from the fund itself (which is itself a function of the creation mechanism and the shares underlying the index or portfolio) and not of the bid/ask spread, trading volume, or the portfolio size of the fund. Exchange-Traded Fund Shares are also redeemable on any business day, at a price related to the net asset value. Consequently, the ability to liquidate shares received on the exercise of a put will be a function of the ability to redeem the shares from the fund (which is itself a function of the creation mechanism and the shares underlying the index or portfolio), not the bid/ask spread, trading volume, or the portfolio size of the fund.

Options on Exchange-Traded Fund Shares are proposed to be traded on the Exchange pursuant to the same rules and procedures that apply generally to trading in options on equity securities or indexes of equity securities. However, the Exchange proposes some different listing criteria for options on Exchange-Traded Fund Shares and intends to have each option contract cover 1000 Exchange-Traded Fund Shares. Also, reflecting the open-ended nature of the Fund Shares, the Exchange is not proposing any position or exercise limits to apply to options on Exchange-Traded Fund Shares.

The listing standards proposed for options on Exchange-Traded Fund Shares are set forth in proposed Commentary .06 under Exchange Rule 915 and in proposed Commentary .08 under Exchange Rule 916. These standards, which provide for the listing of European-style options only, are substantially the same as those that apply to the initial and continued listing of the Fund Shares pursuant to Exchange Rules 1002 and 1002A. Conforming the listing standards for options on Exchange-Traded Fund Shares to the listing standards that apply to Fund Shares themselves will assure that whenever there is trading in the underlying Fund Shares, options on these same Fund Shares will also be available. The Exchange believes that the contemporaneous availability of both options and Fund Shares is particularly necessary for Fund Shares on indexes or portfolios of securities when there already exist Fund Shares based on the same or a similar index or portfolio of securities. It is expected that Fund Shares with underlying options will be more useful to investors seeking to modify their risk in such Fund Shares, the underlying indices, markets or market segments. Demand for and creation of Fund Shares with overlying options is likely to exceed demand for and creation of Fund Shares without overlying options on the same or a similar index or portfolio of securities. Correspondingly, a new fund without options will have a difficult time competing with an established fund with overlying options. A new fund based on a Japanese index, for example, would encounter major obstacles in achieving a reasonable size when in competition with an established fund that has overlying options if the new fund does not have options. The Exchange's proposed listing standards provide that if a particular series of Exchange-Traded Fund Shares should cease to trade on an exchange or as national market securities in the over-the-counter market, there will be no opening transactions in the options on the Fund Shares, and all such options will trade on a liquidation-only basis.

The Amex believes the availability of these options will be beneficial to investors, since options will permit investors to adjust the risks and rewards of investing in the unit investment trust or fund to their individual needs. Options also will add depth and liquidity to the market for Exchange-Traded Fund Shares by permitting market makers in that market to hedge the risks of their market-making activities efficiently. Options traders and market makers, in turn, will obtain liquidity from the market in Fund Shares and the market in the underlying securities represented in the portfolio.

Reflecting the open-ended nature of Exchange-Traded Fund Shares, maintenance or continued listing standards for these Fund Shares do not include criteria based on either the number of Fund Shares outstanding or trading volume.[4] Similarly, the Exchange believes it is neither necessary nor appropriate to apply traditional position or exercise limits to Fund Share options, and it is proposing to amend Rules 904 and 905 to provide that these limits shall not ordinarily apply. Since it should always be possible to create more Fund Shares at a cost related to their net asset value by tendering a specified in-kind deposit of the securities that constitute the underlying index or portfolio and/or cash, there is no meaningful limit on the available supply underlying Fund Shares. The diversification inherent in the satisfaction of regulated investment company requirements for pass-through tax treatment of dividends and other income insures that the market value of the shares underlying any fund will be very large. Accordingly, the Exchange believes there is no need for option position and exercise limits to protect the underlying market against squeezes and other attempts at manipulation, or inadvertent market disruption stemming from temporary supply and demands imbalances. The Amex believes the proposed Exchange-Traded Fund Shares options' European-style exercise (which gives the option seller ample advance knowledge of the time and size of any possible exercise transaction), physical settlement of the option, Creation Unit size share and/or cash deposits, and a substantial underlying market in the securities held by the Fund, combine to insure against successful attempts at manipulation or material market disruptions stemming from trading activity in the Fund Shares, multiple Creation Unit sized baskets of portfolio securities, or options on Fund Shares. Furthermore, in the absence of any maintenance or continued listing requirements in the underlying market that call for a minimum number of outstanding Exchange-Traded Fund Shares or for minimum trading volume, the Exchange believes that position and exercise limits would not be meaningful or useful as a percentage of any of these measures. For these reasons, and to assure that as long as there is trading in the underlying Fund Shares there can also be trading in the related options, the Exchange is not proposing any position or exercise limits for Fund Shares options. The Exchange reserves the right, however, to impose position and exercise limits if, for reasons not now conceivable, such limits should ever be needed in the interest of fair and orderly markets in the options, the underlying Fund Shares, or the portfolio securities underlying the Fund Shares.

Reflecting that the underlying portfolios of Exchange-Traded Fund Shares are diversified and generally less volatile than a typical component of the portfolios, it is also proposed that each option contract cover 1000 Exchange-Traded Fund Shares and that the minimum strike price intervals for options on Exchange-Traded Fund Shares will be $2.50 where the strike price is $200 or less, and $5.00 where the strike price is over $200. These are comparable to the strike price intervals applicable to index options having strike prices at about the level expected for Fund Share options.

The proposed margin requirements for options on Exchange-Traded Fund

[4] As set forth in Rules 1002 and 1002A, the Exchange establishes a minimum number of units to be outstanding before trading in a series of Exchange-Traded Fund Shares may commence. Although there is no comparable maintenance standard, as a practical matter there can never be trading in a series of Fund Shares in which there is less than one Creation Unit outstanding, since Fund Shares may only be created and redeemed in Creation Unit size, and if the last outstanding Creation Unit should ever be redeemed, the series (and options on that series) will cease to trade.

Shares are at the same levels that apply to options generally under Exchange Rule 462, except, reflecting the diversified nature of the underlying portfolios represented by the Fund Shares, minimum margin must be deposited and maintained equal to 100% of the current market value of the option plus 15% of the market value of equivalent units of the underlying security value. In this respect, the margin requirements proposed for options on Exchange-Traded Fund Shares are comparable to margin requirements that currently apply to broad-based index options under Exchange Rule 462.

The Exchange believes it has the necessary systems capacity to support the additional series of options that would result from the introduction of Fund options, and it has been advised that the Options Price Reporting Authority (''OPRA'') also will have the capacity to support these additional series now that it has implemented an additional outgoing high speed line from the OPRA processor.[5]

2. Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filled with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–96–44 and should be submitted by March 18, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4611 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[5] *See* letter from Joseph P. Corrigan, Executive Director, OPRA, to Ivette Lopez, Assistant Director, OMS, Division, Commission, dated November 8, 1996.

[6] 17 CFR 200.30–3(a)(12).

[Release No. 34–38307; File No. SR–Amex–97–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc., Relating to Options on the de Jager Year 2000 Index

February 19, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 27, 1997, the American Stock Exchange, Inc., (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade options on The de Jager Year 2000 Index (''Index''), a new stock index developed by the Amex and de Jager & Company based on stocks (or American Depositary Receipts (''ADRs'') thereon) of companies whose business is expected to benefit from the need of companies, governments, and others to address and resolve the ''Year 2000'' problem. In addition, the Amex proposes to amend Exchange Rule 901C, Commentary .01 to reflect that 90 percent of the Index's numerical index value will be accounted for by stocks which meet the current criteria and guidelines set forth in Exchange Rule 915.

II. Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries; set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Amex and de Jager & Company have developed a new index called The de Jager Year 2000 Index, based entirely on shares of widely-held companies whose business is expected to benefit from the need of companies, governments, and others to address and resolve the ''Year 2000'' problem.[3] The

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4.

[3] The components securities in the Index include: American Management System; Analysts International Corp.; Ciber Inc.; Computer Associates International Inc.; Computer Horizons Corp.; Computer Sciences Corp.; Compuware Corp.; Data Dimensions Inc.; Dun & Bradstreet Corp; Electronic

Continued

''Year 2000'' problem arises because most business application software programs (mainframe, client/server, and personal computer) written over the past twenty-years use only two digits to specify the year, rather than four. Therefore, on January 1, 2000, unless the software is corrected, most computers with time-sensitive software programs will recognize the year as ''00'' and may assume that this year is ''1900.'' This could either force the computer to shut down or lead to incorrect calculations. de Jager & Company is a small consulting firm that, through Peter de Jager, is solely involved in promoting awareness of the ''Year 2000'' problem.[4] The industries represented by these companies include: packaged software providers; computer programming consulting firms; and computer outsourcing services. Each of the component securities are traded on the Amex, the New York Stock Exchange, Inc. (''NYSE''), or through the facilities of the National Association of Securities Dealers (''NASD'') Automated Quotation system (''NASDAQ'') and are reported national market system securities (''NASDAQ/NMS''). The Amex intends to trade standardized option contracts on the newly developed Index. The Exchange is filing this proposal pursuant to Exchange Rule 901C, Commentary .02, which provides for the commencement of trading of options on the Index thirty days after the date of this filing. The proposal meets all the criteria set forth in Commentary .02 and the Commission's order approving that rule.[5]

Eligibility Standards for Index Components

Pursuant to Commentary .02 to Exchange Rule 901C, (1) all of the component securities of the Index are listed on the Amex, the NYSE, or are NASDAQ/NMS listed; (2) each of the component securities has a minimum market capitalization of at least $75 million;[6] (3) seventeen of the eighteen components have had a monthly trading volume of at least one million shares during the previous six months (one component had a monthly trading volume of 650,000 shares during the previous six months); (4) sixteen of the component securities in the Index (84.21 percent) and 91.63 percent of the Index's numerical index value have met the initial eligibility criteria for standardized options trading set forth in Exchange Rule 915; (5) foreign country securities or ADRs thereon that are not subject to comprehensive surveillance sharing agreements do not in the aggregate represent more than 20 percent of the weight of the Index; and (6) the Index is price-weighted, and no individual component stock in the Index represents more than 25 percent of the weight of the Index, and the five highest weighted component stocks in the Index do not in the aggregate account for more than 60 percent of the weight of the Index.

Maintenance of the Index

The Amex will maintain the Index in accordance with Exchange Rule 901C, Commentary .02 so that the Index continues to meet the eligibility standards set forth above, except that: (1) the total number of component securities will not increase or decrease by more than 33⅓ percent from the number of components in the Index at the time of its initial listing, and in no event will the Index have less than nine components; (2) component stocks constituting the top 90 percent of the Index, by weight, will have a minimum market capitalization of $75 million, and the component stocks constituting the bottom 10 percent of the Index, by weight, will have a minimum market capitalization of $50 million; (3) the monthly trading volume of each component security will be at least 500,000 shares, or for each of the lowest weighted components in the Index that in the aggregate account for no more than 10 percent of the weight of the Index, the monthly trading volume will be at least 400,000 shares; (4) no single component will represent more than 25 percent of the weight of the Index, and the five highest weighted components will represent no more than 60 percent of the Index as of the first day of January and July in each year; and (5) 90 percent of the Index's numerical index value and at least 80 percent of the total number of component securities will meet the then current criteria for standardized option trading set forth in Exchange Rule 915.

The Exchange will not open for trading any additional option series should the Index fail to satisfy any of the maintenance criteria set forth above unless such failure is determined by the Exchange not to be significant and the Commission concurs in that determination, or unless the continued listing of the Index option has been approved by the Commission pursuant to Section 19(b)(2) of the Act.

Index Calculation

The Index is price-weighted; the Index value corresponds to the sum of the prices of each of the component stocks divided by the current index divisor. The Index divisor was initially determined to yield a benchmark value of 250 on December 31, 1996. Similar to other stock index values published by the Exchange, the value of the Index will be calculated continuously and disseminated every fifteen seconds over the Consolidated Tape Association's Network B.

The Index will be calculated and maintained by the Amex. A representative of de Jager & Company will be available to advise the Exchange when, pursuant to Exchange Rule 901C(b), the Amex substitutes stocks, or adjusts the number of stocks included in the Index, based on changing conditions in the ''Year 2000'' industry or in the event of certain types of corporate actions, such as a merger or a takeover which warrants the removal of a component security from the Index. It is anticipated that the Amex will consult with de Jager & Company on a quarterly basis to review possible candidates for removal from or inclusion in the Index.[7] Such consultations will occur after the close of trading and any determination to remove or to include a component in the Index will be publicly announced prior to the opening of trading on the following business day. However, in the event the Exchange determines to increase the number of Index component stocks to greater than 24 or to reduce the number of component stocks to fewer than 12, the Exchange will submit a rule filing pursuant to Rule 19b–4 under the Act to the Commission. In selecting securities to be included in the Index, the Exchange, in conjunction with de Jager & Company, will be guided by a number of factors including market value of outstanding shares and trading activity

Data Systems Corp.; Information Management Resources Inc.; Intersolv; Keane Inc.; Peoplesoft Inc.; Platinum Technology Inc.; Sterling Software Inc.; Viasoft Inc.; and Zitel Corp.

[4] Mr. de Jager worked for many years in computer operations and programming prior to becoming a speaker and writer on various computer related issues and has recently become involved in promoting awareness of the ''Year 2000'' problem.

[5] *See* Securities Exchange Act Release No. 34157 (June 3, 1994), 59 FR 30062 (June 10, 1994) (Amex–92–35) (approval order relating to narrow-based index options listing standards) (''Generic Index Approval Order'').

[6] In the case of ADRs, this represents market value as measured by total world-wide shares outstanding.

[7] Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on the de Jager Year 2000 Index, including, but not limited to, insider trading reviews of component securities and stockwatch monitoring. Telephone conversation between Claire P. McGrath, Managing Director and Special Counsel, Derivatives Securities, Amex and Matthew S. Morris, Division of Market Regulation, Commission, on February 11, 1997.

and adherence to Exchange Rule 901C, Commentary .02.

Expiration and Settlement

The proposed options on the Index will be European-style (*i.e.*, exercises are permitted at expiration only), and cash settled. Standard option trading hours (9:30 a.m. to 4:10 p.m., New York time) will apply. The options on The de Jager Year 200 Index will expire on the Saturday following the third Friday of the expiration month (''Expiration Friday''). The last trading day in an expiring options series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday). Trading in expiring options will cease at the close of trading on the last trading day.

The Exchange plans to list options series with expirations in the three near-term calendar months and in the two additional calendar months in the February cycle. In additions, longer term options series having up to thirty-six months to expiration may be traded. In lieu of such long-term options on a full value Index level, the Exchange may instead list long-term, reduced value put and call options based on one-tenth (1/10th) the Index's full value. In either event, the interval between expiration months for either a full value or reduced long-term option will not be less than six-months. The trading of any long-term options would be subject to the same rules which govern the trading of all the Exchange's index options, including sales practice rules, margin requirements, and floor trading procedures and all options will have European-style exercise. Position limits on reduced-value long-term de Jager Year 2000 Index options will be equivalent to the position limits for regular (full-value) Index options and would be aggregated with such options. (For example, if the position limit for the full-value options is 12,000 contracts on the same-side of the market, then the position limit for the reduced-value options will be 120,000 contracts on the same-side of the market.)

The exercise settlement value for all of the Index's expiring options will be calculated based upon the primary exchange regular way opening sale prices for the component stocks. In the case of securities traded through the NASDAQ system, the first reported regular way sale price will be used. If any component stock does not open for trading on its primary market on the last trading day before expiration, then the prior day's last sale price will be used in the calculation.[8]

Exchange Rules Applicable to Stock Index Options

Exchange Rules 900C through 980C will apply to the trading of option contracts based on the Index. These rules cover issues such as surveillance, exercise prices, and position limits. Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on The de Jager Year 2000 Index. The Index is deemed to be a Stock Index Option under Exchange Rule 901C(a) as well as a Stock Index Industry Group under Exchange Rule 900C(b)(1). With respect to Exchange Rule 903C(b), the Amex proposes to list near-the-money (*i.e.*, within ten points above or below the current index value) option series on the Index at 2-½ point strike (exercise) price intervals when the value of the Index is below 200 points. In addition, the Amex expects that the review required by Exchange Rule 904C(c) will result in a position limit of 12,000 contracts with respect to options on this Index.

2. Statutory Basis

The Amex believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of change, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

[8] The Commission notes that pursuant to Article XVII, Section 4 of the Options Clearing Corporation's (''OCC'') by-laws, the OCC is empowered to fix an exercise settlement amount in the event it determines a current index value is unreported or otherwise unavailable. Further, the OCC has the authority to fix an exercise settlement amount whenever the primary market for the securities representing a substantial part of the value of the underlying index is not open for trading at the time when the current index value (*i.e.*, the value used for exercise settlement purposes) ordinarily would be determined. *See* Securities Exchange Act Release No. 37315 (June 17, 1996), 61 FR 32471 (June 24, 1996) (OCC–95–18).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change complies with the standards set forth in the Generic Index Approval Order,[9] it has become effective pursuant to Section 19(b)(3)(A) of the Act. Pursuant to the Generic Index Approval Order, the Amex may not list options for trading on the Index prior to thirty days after January 27, 1997, the date the proposed rule change was filed with the Commission. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–97–04 and should be submitted by March 18, 1997.

[9] *See supra* note 5.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4612 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38290; File No. SR–CBOE–96–73]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Membership Committee Jurisdiction Over Continuing Membership

February 14, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on November 26, 1996, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend CBOE Rule 3.4 to: (i) grant the Membership Committee, instead of the BCC, the power to decide whether to limit or condition the right of a person to continue as a member, or as a person associated with a member, when such person fails to meet any of the qualification requirements for membership or association after the membership or association has been approved, fails to meet any condition placed by the Membership Committee on such membership or association, violates an agreement with the Exchange, or becomes subject to a statutory disqualification under the Act; and (ii) require a member or person associated with a member who is subject to a statutory disqualification to submit an application to the Membership Committee in order to continue as a member or as a person associated with a member.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to grant to the CBOE's Membership Committee certain authority over persons who fail to meet conditions to their remaining as members or persons associated with members, or who become subject to a statutory disqualification after becoming a member or person associated with a member. Presently this authority rests with the Exchange's BCC. The proposed rule change also requires a member or person associated with a member who is subject to a statutory disqualification and who wants to continue as a member or in association with a member to submit an application to that effect to the CBOE's Membership Committee.

CBOE Rule 3.4 (a) through (c) sets forth the reasons the CBOE's Membership Committee may deny or condition membership or a person's association with a member. However, the jurisdiction of the CBOE's Membership Committee currently applies only to applicants for membership or association with a member, not to existing members or associated persons. CBOE Rule 3.4(e) currently authorizes the Exchange's BCC to take action against an existing member under Chapter XVII, ''Discipline,'' of the CBOE's rules when any of these reasons for denying or conditioning membership (or association with a member) comes into existence. Under this authority, the Exchange's BCC may suspend or bar from membership an existing member for the same reasons a person applying for membership could be denied membership or be granted only conditional membership. For example, if an existing member becomes subject to a statutory disqualification under Sections 3(a)(39) and 15(b) under the Act, the CBOE's BCC may take action, pursuant to CBOE Rule 3.4(e), to discontinue that member's membership. In addition, Section 2.2 under the CBOE's Constitution, ''Eligibility for Membership; Good Standing,'' provides that the good standing of a CBOE member may be suspended, terminated or otherwise withdrawn, as provided in the CBOE's Rules, if any of the conditions for approval cease to be maintained or the member violates any of its agreements with the Exchange or any of the provisions of the Constitution. Again, the CBOE's BCC currently would take action under Section 2.2 of the Exchange's Constitution against existing members or associated persons.

The CBOE believes it is more appropriate for the Exchange's Membership Committee to deal with membership related issues (whether those issues concern an applicant for membership or an already existing CBOE member), and for the Exchange's BCC to limit its activities to disciplinary matters involving allegations of specific rule violations. The Exchange believes that its Membership Committee is more familiar with the considerations that properly bear on decisions to deny or condition membership, and is best able to evaluate cases involving whether to continue or condition the membership of an existing member by referring to the standards it applies when evaluating applicants for membership. The Exchange's BCC may not be privy to membership applications that were denied by the CBOE's Membership Committee and the reasons for such denial. Furthermore, the CBOE's BCC may not be familiar with the factors considered by the Exchange's Membership Committee when acting on membership applications, or the types of conditions that may be imposed on applicants. In short, the Exchange believes that the present bifurcation of membership issues between the two committees could result in the CBOE's

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On February 12, 1997, the Exchange filed an amendment to the rule proposal. *See* Letter from Arthur Reinstein, Senior Attorney, CBOE, to Janice Mitnick, Attorney, Division of Market Regulation, Commission, dated February 12, 1997 (''Amendment No. 1''). Amendment No. 1 provides that failure to file an application notifying the Exchange of a statutory disqualification would be a factor to be considered by the CBOE's Membership Committee in making determinations with respect to the person's membership or association pursuant to CBOE Rule 3.4(e), instead of constituting a waiver of the individual's right of appeal. Further, Amendment No. 1 describes the procedures to be followed by the Exchange's Membership Committee in reviewing an application submitted pursuant to proposed Rule 3.4(f). Finally, Amendment No. 1 describes the composition of the CBOE's Business Conduct Committee (''BCC'') and CBOE's Membership Committee.

BCC treating existing members who now fail to meet conditions of membership inconsistently with the way the CBOE's Membership Committee treats applicants for CBOE membership who are also subject to these same conditions.

The CBOE believes the same committee should make determinations about a person's fitness for CBOE membership whether that person is applying for CBOE membership or is an existing member whose ability to continue in membership is at issue. The proposed rule change would accomplish this. The CBOE states that, under the proposed rule change, the CBOE's Membership Committee may determine whether to limit or condition the right of a person to continue as a member or as a person associated with a member for the same reasons that the Exchange's BCC may presently take such action.

Pursuant to the proposed rule change, the CBOE's BCC will retain its powers to take action against existing members or associated persons under Section 2.2 of the Exchange's Constitution if the member or associated person violates any provision of the Exchange's Constitution or Rules. However, pursuant to the proposed rule change, the CBOE's BCC will no longer have the ability to take action pursuant to CBOE Rule 3.4(e) for the circumstances set forth in CBOE Rule 3.4(c).[4] Practically, the Exchange believes that this change will have little effect because the CBOE's BCC does not typically rely on CBOE Rule 3.4(e) to take action for the circumstances set forth in CBOE Rule 3.4(c). Instead, the practice of the CBOE's BCC is to take disciplinary action for specific rule violations. Most of the circumstances set forth in CBOE Rule 3.4(c) are covered by CBOE Rules 16.1, ''Imposition of suspension,'' or 4.2, ''Adherence to Law.'' Following the Exchange's present practice, the CBOE's BCC will continue to take disciplinary action based on CBOE Rule 4.2 and the Chairman of the Board or Chairman of the Executive Committee will continue to take action based on CBOE Rule 16.1.

The proposed rule change will also clarify that CBOE Rule 3.4(e) applies to persons associated with members as well as members. The other subsections of CBOE Rule 3.4 refer to persons associated with members and it appears to be an oversight that subsection (e) does not refer to such persons. The Exchange has always interpreted Rule 3.4(e) to apply to associated persons.

Presently, under Chapter XIX, ''Hearings and Review,'' of the CBOE's rules, if a person's application for membership is denied, that person may apply for a hearing before a panel of the Appeals Committee to review the Membership Committee's denial. The panel's decision may then be reviewed by the CBOE's Board of Directors pursuant to CBOE Rule 19.5, ''Review.'' The proposed amendment will grant this same right of review to an existing member or person associated with a member and will reference this right in new paragraph (g) to CBOE Rule 3.4. New paragraph (g) to CBOE Rule 3.4 also provides that no determination of the Membership Committee to discontinue or condition a person's membership or association with a member pursuant to CBOE Rule 3.4(e) shall take effect until the review procedures under Chapter XIX have been exhausted or the time for review has expired.

The proposed rule change will also add a paragraph (f) to CBOE Rule 3.4 requiring a member or person associated with a member who becomes subject to a statutory disqualification to submit an application to the Exchange's Membership Committee within 30 days of becoming subject to a statutory disqualification if the member or person associated with a member wants to continue in their membership or association with a member.[5] Paragraph (b) of Rule 19h–1 under the Act requires a self-regulatory organization to file a preliminary notice with the Commission promptly after it receives an application for admission to, or continuance in, membership or association with a member, notwithstanding a statutory disqualification. In order to permit the Exchange to file the required preliminary notice in respect of existing members and associated persons, proposed paragraph (f) of CBOE Rule 3.4 requires the statutorily disqualified member or associated person to sumit a formal application to the Exchange requesting permission to continue in membership or association. The application would include the permission to continue in membership or association. The application would include the information the Exchange needs from the member or associated person in order to complete the Rule 19h–1 preliminary notice. The application would also inform the Exchange that it needs to devote the resources necessary to make a decision regarding whether to continue the membership or association of this statutorily disqualified person or entity.

Pursuant to proposed paragraph (f) of CBOE Rule 3.4, absent extenuating circumstances, if the member or associated person who is subject to a statutory disqualification fails to file an application with the CBOE's Membership Committee seeking to continue in Exchange membership or association, the Exchange will consider such failure as a factor to be considered by the Membership Committee in making determinations with respect to the person's membership or association pursuant to Rule 3.4(e).[6]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b) (6) and (7) of the Act, in that it is designed to protect investors and the public interest by providing appropriate standards of qualification for membership and association with members, and procedures intended to assure the consistent application of these standards.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and

[4] Under CBOE Rule 3.4(c), the CBOE's Membership Committee may deny or condition membership or prevent or condition a person from becoming an associated person if the applicant has a negative net worth or other financial difficulties, is unable to satisfactorily demonstrate a capacity to adhere to all applicable CBOE, Commission, Options Clearing Corporation, and Federal Reserve Board policies and rules, would bring the CBOE into disrepute, or for such other cause as the CBOE's Membership Committee may reasonably decide.

[5] *See* Amendment No. 1 *supra* note 3. Procedures to be followed by the CBOE's Membership Committee in considering an application filed pursuant to CBOE Rule 3.4(f) to continue as a member or associated person after becoming subject to a statutory disqualification will be the same procedures that are followed currently by the CBOE's Membership Committee when it reviews an application from a person subject to a statutory disqualification who is applying for exchange membership or association with an Exchange member. These procedures are generally set forth in Exchange Regulatory Circular RG95–93.

[6] *See* Amendment No. 1, *supra* note 3.

publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and coping at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–96–73 and should be submitted by March 18, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4529 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38311; International Series Release No. 1055; File No. SR–CBOE–96–77]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to the Policy of the CBOE Relating to Information Obtained Pursuant to the SEC's Memorandum of Understanding With the CONSOB

February 19, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 17, 1996, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change is described in Items I and II below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is submitting this rule filing to adopt an official policy concerning the circumstances and conditions under which the Exchange, in order to carry out its market surveillance and enforcement functions for derivative products containing Italian component securities, may obtain access to information regarding activity on the Italian securities markets obtained by the SEC pursuant to the Commission's Memorandum of Understanding (''MOU'') with the Commissione Nazionale per le Societa e la Borsa (''CONSOB''). The text of the proposed rule change is available at the Office of the Secretary, the CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The CBOE does not have a surveillance sharing agreement with the Milan Exchange, which is an unincorporated association and is not able under Italian law to enter into such an arrangement. Therefore, the purpose of the proposed rule change is to enable the CBOE to carry out its market surveillance and enforcement functions for derivative products containing Italian component securities by seeking the necessary information about activity on the Italian securities markets from the SEC per the latter's MOU with the CONSOB. The Exchange's proposed policy details the circumstances and conditions under which the Exchange may obtain access to such information from the SEC. By adopting this policy, therefore, the Exchange believes it will be in a position to list derivative products containing Italian component securities because it will be able to have access to information on the underlying securities which it may need for enforcement or market surveillance purposes.

The Exchange's proposed policy provides that the Exchange will advise the SEC of information it needs regarding activity on the Italian securities markets for market surveillance and enforcement purposes. The SEC, in turn, may request the CONSOB's assistance, pursuant to the MOU, in gaining access to such information. The Exchange will use such information it may receive from the SEC only for the purposes of conducting market surveillance and enforcement proceedings. The Exchange will limit distribution of such information to officers and directors of the Exchange and other employees directly responsible for conducting market surveillance and enforcement proceedings relating to the matter in connection with which the SEC provided the information to the CBOE. The Exchange also will undertake to maintain the confidentiality of the information and to take appropriate disciplinary action in the event it learns of a breach of such confidentiality, including referral to the SEC for any action the SEC deems necessary or appropriate.

By adopting a policy that provides access to information on the underlying securities for market surveillance and enforcement purposes, the Exchange will be able to list options and other derivative products containing Italian component securities, provided that all other applicable product listing standards are met.[3] Therefore, the Exchange believes that the proposed rule change could potentially provide investors with the opportunity to invest in such products and hedge their exposure to the Italian securities market. The Exchange also believes that the proposed rule change, therefore, is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to perfect the mechanisms of a free and open market

---

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] This filing only addresses trading requirements relating to necessary surveillance sharing procedures.

and to protect investors and the public interest.[4]

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act. The Commission finds that the proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to a national securities exchange, in that the proposal is consistent with Section 6(b) of the Act, in general and, Section 6(b)(5),[5] in particular, as it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, and to protect investors and the public interest.

Specifically, the Commission believes that, since the CBOE does not and cannot have a surveillance sharing agreement with the Milan Exchange, the CBOE's adoption of the proposed policy will enable the Exchange to carry out its market surveillance and enforcement functions for derivative products containing Italian component securities by seeking the necessary information about activity on the Italian securities markets from the SEC per the latter's MOU with the CONSOB. The Commission believes that the Exchange's proposed policy adequately details the circumstances and conditions under which the Exchange may obtain access to such information from the SEC.

The Commission believes that, under the Exchange's proposed policy, the Exchange will advise the SEC of information it needs regarding activity on the Italian securities markets for market surveillance and enforcement purposes. The Commission, in turn, may request the CONSOB's assistance, pursuant to the MOU, in gaining access to such information. The Commission notes that the Exchange will use such information it may receive from the SEC only for the purposes of conducting market surveillance and enforcement proceedings. The Commission also notes that the Exchange will limit distribution of such information to officers and directors of the Exchange and other employees directly responsible for conducting market surveillance and enforcement proceedings relating to the matter in connection with which the SEC provided the information to the CBOE. In view of the importance of maintaining the confidentiality of this information, the SEC believes that the officers and/or directors overseeing the exchange employees conducting the relevant market surveillance and enforcement proceedings would be responsible for ensuring the confidentiality of the information provided by the SEC pursuant to the MOU with the CONSOB and should take reasonable measures to ensure that the information does not become available to unauthorized persons. Thus, the Commission believes that the Exchange will undertake to maintain the confidentiality of such information and to take appropriate disciplinary action in the event it learns of a breach of such confidentiality, including referral to the SEC for any action the SEC deems necessary or appropriate.

The Commission believes that the CBOE, by adopting a policy that provides access to information on the underlying securities for market surveillance and enforcement purposes, will be in a position to list options and other derivative products containing Italian component securities, provided that all other applicable product listing standards are met. Therefore, the Exchange's proposed rule change could potentially provide investors with the opportunity to invest in such products and hedge their exposure to the Italian securities market. Accordingly, the Commission believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to perfect the mechanisms of a free and open market and to protect investors and the public interest.

The Commission notes that a substantially identical proposal was published by the American Stock Exchange (''AMEX'') for the full 21 day comment period without any comments being received by the Commission. The Commission therefore believes that approving the CBOE policy on an accelerated basis will allow the Exchange to pursue trading in options and other derivative products containing Italian component securities without further delay. Accordingly, the Commission finds that, consistent with Section 6(b)(5) of the Act, good cause exists to approve CBOE's proposed rule change on an accelerated basis prior to the thirtieth day after the date of publication thereof in the Federal Register.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–96–77 and should be submitted by March 18, 1997.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (SR–CBOE–96–77) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4605 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[4] In approving the rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f(b) and 78f(b)(5).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

[Release No. 34–38302; File No. SR–GSCC–96–14]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Eliminate Grandfather Privileges

February 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act''),[1] notice is hereby given that on December 19, 1996, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No SR–GSCC–96–14) as described in Items, I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to eliminate the ability of GSCC's interdealer broker netting members (''IDB'') to trade with certain nonmembers identified on GSCC's grandfather list.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepare summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In May 1993, GSCC established limitations on the trading activity of IDBs with firms that are not a members of GSCC's netting system.[3] GSCC restricted category 1 IDBs to trading only with GSCC netting members and limited the trading activity of category 2 IDBs with nonmember firms to ten percent. At that time, GSCC decided to allow IDBS to continue to trade with certain nonmember firms (''grandfather nonmembers'') that historically have had access to the IDB's screens and that GSCC has identified on its grandfather list.[4] GSCC believed that it was unfair to penalize IDBs for continuing to trade with firms that GSCC was not yet successful in bringing into its netting system membership. Accordingly, category 1 IDBs can continue to trade with the grandfathered nonmember dealers and trading between category 2 IDBs and grandfathered firms does not count toward category 2 IDBs' ten percent limit.

Since 1993, GSCC has made numerous attempts to encourage each of the grandfathered firms either to join GSCC's netting system or to have their eligible trades submitted to the net by an affiliated netting member.[5] GSCC also has established a category of netting system membership for foreign entities. Thus, all entities on the grandfather list are now eligible for direct netting membership in GSCC.

GSCC believes that trades between an IDB and a grandfathered firm expose GSCC to greater risks than trades between an IDB and a netting member because trades with a grandfathered firm are not eligible for netting by GSCC. As a result, when an IDB has offsetting trades with a netting member and a grandfathered firm, only the trade with the netting member will be netted thereby leaving the IDB instead of a grandfathered firm with a position.[6]

Therefore, GSCC is proposing to eliminate the grandfather list, effective June 30, 1997. GSCC believes that the effective date provides grandfathered firms with sufficient time to join GSCC's netting system or to adjust to nongrandfathered status. Once the grandfather list has been eliminated, category 2 IDBs, which do virtually all of the brokered transactions with the current grandfathered firms, will have to trade with the formerly grandfathered firms that do not join GSCC's netting system under the category 2 IDB's authority to engage in ten percent of its trading activity with nonmember firms. Category 1 IDBs will be prohibited from doing any netting eligible activity with a formerly grandfathered firm that does not join GSCC's netting system.

GSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[7] and the rules and regulations thereunder because it would end the exposure to GSCC that the trading by the IDBs with grandfathered firms creates.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. Members will be notified of the rule change filing and comments will be solicited by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which GSCC consents, the Commission will:

(A) by order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by GSCC.

[3] Securities Exchange Act Release No. 32722 (August 5, 1993), 58 FR 42993 (order approving establishment of new membership categories).

[4] The grandfather list includes the following firms:

Aubrey G. Lanston & Co., Inc.

The Nikko Securities Co., Ltd. (Tokyo)

Nikko Europe PLC (London)

Nomura International Inc. (Tokyo)

Nomura Securities Co., Ltd. (Tokyo)

Nomura International PLC (London)

Daiwa Europe Ltd. (London)

[5] The number of grandfathered firms has decreased from twelve to seven.

[6] While the number of trades between IDBs and grandfathered firms is a relatively small percentage of the IDB's trades, they are significant in absolute terms.

[7] 15 U.S.C. 78q–1.

refer to the file number SR–GSCC–96–14 and should be submitted by March 18, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4607 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38309; File No. SR–NASD–96–54]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Approval of a Proposed Rule Change Relating to Reconfirmation and Pricing Services

February 19, 1997.

On December 20, 1996, the NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–NASD–96–54) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the Federal Register on January 9, 1997.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

Several years ago, the National Securities Clearing Corporation (''NSCC'') began operating its Reconfirmation and Pricing Service (''RECAPS'') that permits NSCC participants to submit their fail transactions for reconfirmation and repricing on a quarterly basis. Rule 11190 (formerly Section 69) of the Uniform Practice Code (''Code'') of the National Association of Securities Dealers, Inc. (''NASD'') mandates that a member which is a participant in a registered clearing agency participate in the clearing agency's fail reconfirmation and pricing service.

Even after a transaction is compared, fails can occur for many reasons (*e.g.,* because the securities fail to be received or delivered or payment is not received or delivered). RECAPS provides a means for parties with open fails on their books to send them to NSCC for matching on a quarterly basis. The RECAPS process allows members to reconfirm outstanding fails by establishing a new settlement date and to reprice such fails by marking the contract to the current market price. It also identifies a submitting member's fails that may have been settled or for which the contraparty has no record.

Prior to this amendment, when one of the parties did not respond to a RECAPS submission, the submitting party could either leave the fail open for three more months and try again for resolution through RECAPS or could buy in or sell out the transaction pursuant to NASD's Code. The submitting member was required by Rule 11810 of NASD's Code to send another notification to the contraparty and wait another two days prior to effecting a buy in. No prior notice is or was required before effecting a sell out pursuant to Rule 11820 of NASD's Code.

As amended, Rule 11190(b)(1) permits a contract that has been submitted to a reconfirmation and repricing service and that has been DK'ed by the contraparty or is otherwise deemed a DK under the rules of the service[3] to be closed out by the submitting party without notice during normal trading hours promptly after the completion of the reconfirmation and pricing cycle for the account and liability of the nonconfirming member.[4] New paragraph (b)(2) of Rule 11190 requires that the submitting member notify the nonresponding member of any execution to close the contract on the day of execution and the action of the member to buy in or sell out in accordance with the provisions of Rules 11810 and 11820, respectively. However, if the submitting member determines not to close out a DK, the fail continues to remain open on the submitting member's books until the next RECAPS cycle.

II. Discussion

Section 15A(b)(6) provides that the rules of an association must be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.[5] The Commission believes that the proposed rule change is consistent with the NASD's obligations under the Act. The proposals provides an expedited mechanism to reduce long outstanding fails that have been submitted to RECAPS. When a selling member DKs a transaction or fails to respond to a RECAPS advisory, Rule 11190(b) of the Code allows the buying member to immediately execute a buy in transaction and notify the nonresponding selling member of its liability for the transaction. The proposal provides an incentive to parties to resolve RECAPS transactions submitted against them in a timely fashion. By encouraging and assisting parties to resolve their trade disputes, the proposal helps foster cooperation and coordination with persons engaged in clearing, settling, and facilitating transactions in securities.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 15A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NASD–96–54) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4606 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38291; File No. SR–NASD–97–10]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Distribution of Information Concerning the Availability of the NASD Regulation, Inc. Public Disclosure Program

February 14, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 11, 1997, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to

[8] 17 CFR 200.30–3(a)(12)

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 38115 (January 3, 1997), 62 FR 1351.

[3] Recently, NSCC amended its Procedure II(G) to provide that failure to respond to a RECAPS reconfirmation attempt shall result in the transaction being DK'ed. Treating a failure to respond to a RECAPS reconfirmation attempt as a DK under NSCC's rules extinguishes any rights of the nonresponding member with respect to the transaction.

[4] The word ''promptly'' in paragraph (b)(1) is intended to be interpreted in accordance with the nature and liquidity of the securities.

[5] 15 U.S.C. 78o–3(b)(6).

[6] 17 CFR 200.30–3(a)(12).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Below is the text of the proposed rule change. Proposed new language is italicized.

2280. Investor Education and Protection

(a) Each member shall, with a frequency of not less than once every calendar year, provide in writing to each customer the following items of information.

(1) NASD Regulation Public Disclosure Program Hotline Number

(2) NASD Regulation Web Site Address

(3) A statement as to the availability to the customer of an investor brochure that includes information describing the Public Disclosure Program

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

During 1995, at the request of the Honorable Edward J. Markey, the General Accounting Office (''GAO'') undertook a review of the effectiveness of the NASD's toll-free telephone information service used to disseminate information under the NASD Regulation Public Disclosure Program (''PDP''). In July 1996, the General Accounting Office issued a report of its review of the PDP. The report included a recommendation that NASD Regulation publicize and educate investors about the availability of information through the NASD Regulation PDP. Specifically, the report recommended that NASD Regulation:

[E]xplore other ways of publicizing the hotline to a wider audience of investors, such as including the hotline number on account-opening documents or account statements, making disciplinary-related information directly available to investors through the Internet.

The Proposed amendment in new paragraph 2280(a) would require each member to provide to each customer, at least once annually on a written statement, the 800 telephone number for the PDP, the NASD Regulation Web Site Address, and the availability of an investor brochure that includes information describing the PDP. This proposal gives NASD members the flexibility to determine what kind of written statement is to be used. Some members may elect to include this information on customer account statements and some may elect to use another kind of publication.

The NASD believes that the proposed rule change is consistent with the provision of Sections 15A(b)(6) and 15A(i) of the Act in that the requirement that firms publish on a written statement to existing customer accounts, as least annually, the availability of information through the PDP is an important element in promoting the availability of the PDP information to investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participant, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

At any time within 60 days of the filing of a rule change pursuant to Section 19(b)(3)(A) of the Act, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning SR–NASD–97–10. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 18, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4610 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38303; File No. SR–PHIL–96–18]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Establishment of Fees Charged for Direct Registration System

February 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 6, 1996, Philadelphia Depository Trust Company (''Philadep'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by Philadep. The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1) (1988).

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to establish Philadep's fee schedule for participants using direct registration system (''DRS'') services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep included statements concerning the purpose of and statutory basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Philadep has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish Philadep's fee schedule for DRS services. Philadep proposes to enable its participants to use Philadep's processing environment to account for certain investors' purchases and sales of securities according to the DRS procedures. Philadep will establish a limited participant category of participant which will be charged the following fees:

1. Limited Participant Accountholder Fee—$225 per month
2. Deliver Order Transaction Processing Fee—$.45 per transaction

Philadep participants receiving such a DRS delivery also will be charged $.45 per transaction. In addition, when a transfer agent mails a transaction advice to the shareholder, the transfer agent's fee of $.55 for mailing and handling the DRS transaction advice will be charged back to the participant directly by Philadep. Philadep will collect the advice fees and will periodically remit such fees to the transfer agent.

The proposed rule change complies with Section 17A of the Act in providing for equitable allocation of reasonable dues, fees, and other charges among participants.

[2] The Commission has modified parts of these statements.

B. Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by Philadep, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(e)(2) thereunder.[4] At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at Philadep. All submissions should refer to the File No. SR–Phil–96–18 and should be submitted by March 18, 1997.

[3] 15 U.S.C. 78q–1(b)(3)(A) (1988).

[4] 17 CFR 240.19b–4(e)(2) (1994).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4530 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[5] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–38305; File No. SR–Philadep–96–23]

Self-Regulatory Organizations; The Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Consolidate and Restate Its Fee Schedule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 23, 1996, the Philadelphia Depository Trust Company (''Philadep'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by Philadep. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to consolidate and restate Philadep's schedule of fees and charges (Exhibit A).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. Philadep has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to consolidate and restate

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by Philadep.

Philadep's schedule of fees and charges. This filing is being made in accordance with Philadep's policy to annually file a comprehensive schedule of all existing fees and charges. Philadep also is revising certain fees associated with the stock loan program.

Additionally, Philadep is implementing a 3½% surcharge based on service fee revenues and pass-through charges to recover costs associated with making Philadep's system Year 2000 compliant. The surcharge will be billed and collected as part of routine monthly invoicing. Philadep currently estimates that Year 2000 costs will be recovered in three to four years. Philadep will evaluate surcharge revenues annually and will recommend to its Board of Directors any modifications that may become necessary, including the removal of the surcharge.

Philadep believes the proposed rule change is consistent with Section 17A of the Act and the rules and regulations thereunder because the proposal provides for the equitable allocations of reasonable dues, fees, and other charges among participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not believe the proposed rule change will impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Sections 19(b)(3)(A)(ii) [3] of the Act and pursuant to Rule 19b–4(e)(2) [4] promulgated thereunder because the proposal establishes a due, fee, or other charge. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to File No. SR–Philadep–96–23 and should be submitted by March 18, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

Exhibit A—SR–PHILADEP–96–23

(Deleted text bracketed, new text italicized)

PHILADELPHIA DEPOSITORY TRUST COMPANY CONSOLIDATED RESTATEMENT OF FEES

Service	Fee
1. Account Fees:	
a. General Maintenance Fee	$400.00 per month with account activity. $200.00 per month for accounts with less than $10.00 of depository activity.
b. Pledge Bank Fee	$100.00 per month.
c. Manual Interface Fee	$150.00 per month in addition to the general maintenance fee.
d. Bearer Municipal Bonds	$200.00 per month in addition to the general maintenance fee. $260.00 per month for bearer bond account only.
2. Custody Fees:	
a. Registered Securities	Base fee of $0.50 per issue, per month. Plus for each 100 shares or $4,000.00 in bonds: 0–1 Million Shares $0.01. 1–5 Million Shares $0.005. Over 5 Million Shares $0.0025. Additional $0.50 fee per issue if Philadep eligible only, per month.
b. Bearer Municipal Bonds	Base fee of $1.45 per issue, per month. Plus for each $1,000 of par value: $0–$0.5 Billion $0.010. $0.5–$1.0 Billion $0.007. More than $1 Billion $0.005.
3. Deposit Fees:	
a. Registered Securities	$1.60 per deposit.*
b. Bearer Municipal Bonds	$8.00 per deposit.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(e)(2).

[5] 17 CFR 200.30–3(a)(12)

PHILADELPHIA DEPOSITORY TRUST COMPANY CONSOLIDATED RESTATEMENT OF FEES—Continued

Service	Fee
4. Deposit Reject Fees:	
a. Registered Securities	No charge if total deposit rejects are less than 1% of total deposits for the month. Charge of $10.00 per reject if more than 1%.
b. Bearer Municipal Bonds	$10.00 per reject.
5. Legal Deposits	Processing fees are based on monthly deposit volume: Volume Level Per Deposit. 1–300—$8.50. 301–3000—$3.50. 3001 and over $2.75 flat fee for all legal deposits. No charge for deposit rejects. Transfer agent charges will be passed through to the Participant on an item for item basis.
6. Withdrawals:	
a. Registered Securities	$2.60 per manual (paper) transfer.* $1.65 per computer to computer transfer.* $2.60 per terminal originated transfer.* $25.00 per rush transfer. $2.00 per cancelled transfer.
b. By Certificate	$22.95 per urgent certificate withdrawal (same-day or next-day).*
7. Customer Name Mailing:	
a. Full Service	$0.65 per transfer, plus appropriate transfer withdrawal charge (fee does not include postage and delivery valuation charges).
b. Interdepository	$0.75 per transfer, for securities delivered interdepository plus appropriate transfer withdrawal charge (fee does not include postage and delivery valuation charges).
c. Transmittal Messages	$.10 per transmittal
8. Certificate Fees	$5.75 deposits. $7.50 transfers.
9. Accommodation Transfers and Ironclads	$5.00 per request, plus applicable transfer agent fees.
10. MDO Movements:	
a. Automated Bookentry, Delivery/Receive	$0.75 per movement.
b. Manual Bookentry, Delivery/Receive	$1.50 per movement.
c. Automatic Bookentry, Interdepository, Deliveries	$0.50 per CUSIP (daily deliveries). $0.55 per CUSIP (weekly deliveries). $0.60 per CUSIP (bi-weekly deliveries). $0.65 per CUSIP (monthly deliveries).
d. Bearer Municipal Bonds, Automated or Manual	$0.94 per movement.
11. CNS/PHILADEP Movements	$0.20 per movement.
12. Underwritings	$400.00 plus $3.00 per million (plus applicable activity charges).
13. Pledge Fees:	
a. Bank loan pledge or release	$0.35 each per line item to broker and bank.
b. OCC pledge or release	$0.35 per line item.
c. SCCP margin pledge (no charge for release)	$0.10 per line item.
14. Dividend and Interest Payments	$1.50 per cash line item; $10.00 per stock dividend payment.
15. Reorganization Fees:	
a. Mandatory Exchanges	$23.00 per position.
b. Voluntary Offers	$30.00 per instruction received before cut-off. $50.00 per instruction received after cut-off, with authorization.
c. Redemptions: Stocks, Corporate Bonds, Registered Municipal Bonds, others.	$25.00 per position.
d. Post Corporate Actions	$20.00 per item (plus costs).
16. Combined Legal Deposits and Letters of Correction (Ironclads)	$6.25 per item (one legal deposit and one letter of correction is defined as one item).
17. Research Fees:	
a. Per photocopy of records	$4.00.
b. Per microfiche copy	$4.00.
c. Items less than 90 days old	No charge.
d. Items 1 year old or less	$15.00 per hour.
e. Items over 1 year old	$15.00 per hour, $25.00 minimum, plus archive retrieval costs.
18. Reports on Microfiche	$1.25 per page.
19. Eligibility Book	$35.00 per book.
20. Stock Loan Program:	
Interest charge to lender	Percentage of [bank broker call rate] *federal funds rate (fee will be waived if less than $500 per month).*
21. National Institutional Delivery System (NIDS):	
a. Confirms	$0.40 per confirm.
b. For each unaffirmed trade reported	$0.09 to broker.
c. For each eligible trade reported	$0.09 to broker and clearing agent.
d. For each ineligible trade reported	$0.09 to broker and clearing agent.
e. Automated Settlement	$0.26 per receive and per delivery to broker and clearing agent.

PHILADELPHIA DEPOSITORY TRUST COMPANY CONSOLIDATED RESTATEMENT OF FEES—Continued

Service	Fee
22. Philadep Discounts: Participants may select one of the following discount plans (the greater discount will apply)	
a. Volume	5% off Philadep charges for participants with 10,001 to 15,000 trades per month. An additional 5% off Philadep charges for participants with 15,001 to 30,000 trades per month. An additional 5% off Philadep charges for participants with 30,001 to 45,000 trades per month. An additional 5% off Philadep charges for participants with 45,001 or more trades per month.
b. Automated Deposit Reporting Service (ADRS)	$0.40 per deposit for participants utilizing Philadep ADRS and CNM services.
23. Computer Transmission/Tapes:	
a. Eligibility Files:	
1. Daily Update	$50.00 per month.
2. Weekly Full File	$200.00 per month.
3. Monthly or on Request	$75.00 each request.
b. Bookkeeping Positions:	
1. Daily	$150.00 per month.
2. Weekly	$100.00 per month.
3. Monthly or on Request	$50.00 each request.
c. Activity:	
1. Daily	$150.00 per month.
d. Bookkeeping plus Activity:	
1. Daily	$250.00 per month.
2. Weekly	$200.00 per month.
e. Cash Settlement (fee includes both dividends and reorganizations; transmissions are separate):	
1. Daily	$100.00 per month.
f. Record Date Positions:	
1. Daily	$100.00 per month.
g. Status of Withdrawals by Transfer:	
1. Daily	$100.00 per month.
24. Philanet Terminal:	
a. Dedicated Line	$250.00 per month.
b. Dial-up Line	$150.00 per month.
c. Installation	$600.00.
d. Usage	No Charge.
25. Position Listings	
a. General Fees	$45.00—per individual request (per date, per CUSIP) (plus costs). $360.00 annually—monthly basis (plus costs). $1,300.00 annually—weekly basis (plus costs).
b. Municipal Bonds Quantity Discount[1] (multiple CUSIP requests for the same issuer and for the same date).	1st 100 CUSIPs—$20 per CUSIP. 2nd 100 CUSIPs—$15 per CUSIP. 3rd 100 CUSIPs—$10 per CUSIP. In excess of 300 CUSIPs—$7.50.
26. Direct Registration System:	
a. Limited Participants:	
1. Accountholder Fee	$225.00 per month.
2. Deliver Order Transaction Processing Fee	$0.45 per transaction.
b. Participants:	
1. Deliver Order Transaction Processing Fee	$0.45 per transaction.
2. Transfer Agent Fee	$0.55 for mailing and handling.
27. Year 2000 System Change Surcharge	*Participants monthly fee billings (which include pass-through charges) will include a 3½% surcharge to offset costs to make Philadep systems Year 2000 compliant. The surcharge will be removed by Philadep's Board of Directors once such costs are fully offset by revenues collected from the surcharge.*

* Transfer and deposit activity subject to pass-through charges.
[1] Requests made pursuant to this discount may take ten or more business days to be reached and sent.

[FR Doc. 97–4608 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38295; International Series Release No. 1052; File No. SR–PHLX–96–44]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 4 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Modifying the Formula Which Calculates the Settlement Value for Dollar Denominated Deliver Options

February 14, 1997.

I. Introduction

On October 30, 1996, as subsequently amended on November 19, 1996, December 2, 1996, December 3, 1996,[1] and February 11, 1997,[2] the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[3] and Rule 19b–4 thereunder,[4] a proposed rule change to modify the formula which calculates the settlement value for Dollar Denominated Deliver foreign currency options (''3D Options'').

Notice of the proposed rule change, including Amendment Nos. 1, 2 and 3, together with the substance of the proposal, was published for comment in Securities Exchange Act Release No. 38017 (December 3, 1996), 61 FR 65244 (December 12, 1996). No comments were received on the proposal. This order approves the proposed rule change, as amended, including Amendment No. 4 on an accelerated basis.

II. Description

The Exchange proposes to amend PHLX Rule 1057, in order to modify the formula which calculates the settlement value for 3D Options. The Commission approved trading for 3D Foreign Currency Options on the Deutsche Mark (''3D Mark'') on March 8, 1994.[5] In November 1995, the Commission approved trading for 3D Foreign Currency Options on the Japanese Yen (''3D Yen'').[6] 3D Yen options, however, have not begun trading on the Exchange to date. Presently, for the 3D Mark, bid and offer quotations for the current foreign exchange spot price are collected from fifteen interbank foreign exchange participants randomly selected from a list of forty active interbank foreign exchange participants.[7] This group of forty is selected from a larger list of interbank foreign exchange participants who provide continuous quotations for each currency and consists of the most active interbank participants out of the larger list.[8] According to the PHLX, the actual number of interbank foreign exchange participants used for a particular currency will depend on the current number of interbank participants making active quotes, which is measured by frequency.[9] After discarding the five highest offers and the five lowest bids of the randomly selected fifteen, the remaining ten bids and offers are arithmetically averaged to arrive at a closing settlement value.[10]

The algorithm for calculating the settlement value has a feature that scans the group of fifteen randomly selected quotations and automatically identifies those that are updated every five or more minutes and replaces them with quotations from the original pool of interbank participants[11] that are updated more frequently than every five minutes. PHLX's goal is to use quotations that are updated every one to two minutes for settlement value purposes, but the algorithm will not replace quotations until they are being updated every five or more minutes.[12]

The Exchange found that the number of banks that are able to provide active bid and offer quotations for different currencies varies according to the currency. For some of the more widely traded currencies, such as the Deutsche mark, there are many more interbank foreign exchange participants that update the bids and offers more frequently than every five minutes than for the less popular currencies, where the pool of potential contributors of the spot value for the individual currency is much smaller and quotations may be updated less often, although still on a continual basis.

To reflect the fact that there may be variation in the appropriate number of bids and offers that are available for each currency, the Exchange is proposing to make the current settlement value formula more flexible by permitting the Exchange, within certain guidelines, to determine the appropriate number of bids and offers to collect and average on a currency-by-currency basis. The Exchange would randomly select at least five interbank participants from a pool of at least twenty-five active interbank foreign participants. Additionally, as the number of bids and offers may vary across currencies, the existing rule language that requires the five highest offers and the five lowest bids to be discarded would also be modified. Instead, the Exchange proposes to discard one third of the highest offers and one third of the lowest bids and average the remaining bids and offers to arrive at the closing settlement value. The Exchange would set the number for each individual currency prior to commencing trading 3D Options on that

[1] *See* Letters to Heather Seidel, Attorney, Market Regulation, SEC, from Nandita Yagnik, Attorney, PHLX, dated November 18, 1996 (''Amendment No. 1''), November 25, 1996 (''Amendment No. 2''), and December 3, 1996 (''Amendment No. 3'') respectively. The substance of these amendments was incorporated into the notice release and is discussed below. *See* Securities Exchange Act Release No. 38017 (December 4, 1996), 61 FR 65244 (December 12, 1996).

[2] Amendment No. 4 was filed with the Commission on February 11, 1997. The amendment changed the rule language to require that the appropriate number of interbank foreign exchange participants be selected at random from a pool of *at least* twenty-five (25) active interbank foreign exchange participants (addition underlined), and further explained the procedure for calculating a settlement value for the 3D Options. *See* letter from Nandita Yagnik, Attorney, New Product Development, PHLX to Heather Seidel, Attorney, Market Regulation, Commission, dated February 7, 1997.

[3] 15 U.S.C. 78s(b)(1).

[4] 17 CFR 240.19b–4.

[5] *See* Securities Exchange Act Release No. 33732 (March 8, 1994), 59 FR 12023 (order approving the listing and trading of cash/spot dollar denominated delivery foreign currency option contracts).

[6] *See* Securities Exchange Act Release No. 36505, (November 22, 1995), 60 FR 61277 (order approving listing and trading of 3D foreign currency options on the Japanese yen).

[7] PHLX rules currently require such list to be selected from a group of twenty-five (25) interbank foreign exchange participants. Amendment No. 4 amends the rule to reflect current practice to use ''at least'' twenty-five (25) interbank participants. *See* Amendment No. 4.

[8] Telephone conversation between Nandita Yagnik, Attorney, PHLX, and Heather Seidel, Attorney, Market Regulation, Commission, on February 11, 1997.

[9] Active interbank participants are defined by PHLX to be ''those which provide quotations with the greatest frequency from 2:30 a.m. (the start of the trading day) until 9:30 a.m.'' *See* Amendment No. 4.

[10] *See* Exchange Rule 1057. The Commission approved PHLX filing SR–PHLX–96–11, which allows PHLX to elect to calculate the settlement value in house instead of requiring an agent/vendor to do it. In addition, the new rule limits the liability of the Exchange regarding the accuracy of the settlement value except for intentional misconduct and/or any violations of the federal securities laws. *See* Securities Exchange Act Release Nos. 37323 (June 18, 1996), 61 FR 32880 (June 25, 1996) (notice) and 38041 (December 11, 1996), 61 FR 66721 (December 18, 1996) (approval order).

[11] As noted above, the rule is being amended to indicate such pool must be at least twenty-five. Currently the PHLX selects from a pool of forty interbank participants for the 3D option on the German Mark and intends to use forty for the 3D option on the Japanese Yen.

[12] *See* Amendment No. 4.

currency.[13] In addition, the Exchange will employ the same back up procedures that are outlined for the 3D Mark and the 3D Yen that guard against unreliable or manipulated quotes.[14]

The Exchange's Foreign Currency Option Committee (''the Committee'') will determine what the appropriate number of bid and offer quotations should be for determining settlement values on each currency within the minimum requirements of the PHLX rule. For example, the Committee will not have the discretion to select less than five interbank foreign exchange participants from which to obtain these bid and offer quotations. In addition, under the rule, the minimum number of bids and offers must still be randomly selected from a pool of at least twenty-five active interbank foreign participants and the Committee will not have the discretion to reduce the pool of participants below this number.

Although the Committee will have the ability to increase or decrease the number of bids and offers randomly selected from the larger pool of at least twenty-five bids and offers, to determine the settlement value for 3D options, the Exchange has stated it does not anticipate this occurring very frequently. The Exchange will periodically review the contributing interbanks to assure that the number has not materially increased or decreased. The Committee will then have the discretion to act upon this information within the rule's requirements. Notice of any change, however, to the number of contributor bank quotations used must be provided to the membership and public at least one week prior to settlement of the 3D currency option.

The Committee has determined to continue to collect fifteen bid and offer quotations from a pool of forty for the 3D Mark.[15] For the 3D Yen, however, there are fewer banks that diligently provide quotes that are updated more frequently than every five minutes. This results in the algorithm not being able to replace quotes updated every five minutes or more with more frequently updated quotes because there are not enough quotes that are less than five minutes old.[16] Therefore, the Committee has determined that a more accurate representation of the Japanese Yen Market would be derived from collecting ten bid and ask quotations from a group of forty active interbank participants and discarding the three highest offers and the three lowest bids prior to averaging them.

The Exchange maintains that in proposing any new 3D Foreign Currency Option contracts for listing and trading on the Exchange, the Exchange will identify the appropriate number of bank quotations that will be collected to arrive at the settlement value in the rule filing submitted pursuant to Section 19(b) and Rule 19b–4 of the Act. As noted above, the number of interbank participants from which the quotations are collected cannot be less than five. Further, the Exchange will provide at least one week notice of the number of contributor bank quotations used to derive the settlement value prior to listing and trading the 3D options on the new currency.

III. Discussion

The Commission believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[17] The Commission finds that the proposed rule change promotes just and equitable principles of trade, prevents fraudulent and manipulative acts and practices, and protects investors and the public interest because it will provide the Exchange with greater flexibility to ensure that settlement values for 3D foreign currency options are an accurate reflection of the most current and active contributor interbank participants. This should benefit investors trading these products, thereby facilitating transactions in foreign currency options in accordance with Section 6(b)(5) of the Act.

The Commission believes that the proposed rule change will more accurately reflect the foreign currency spot price for each individual currency because it allows the Exchange to tailor the number of interbank foreign exchange participants to the active spot market in each individual currency. The Commission finds that PHLX's amended procedures for calculating the settlement value for the 3D Options, and the competitive nature of the spot market for foreign currencies, should help to ensure that the settlement values accurately reflect the spot price for each foreign currency.[18] In addition, the Commission believes that PHLX's amended procedure will continue to guard against unreliable or manipulated quotes because the designated agent(s) will continue to randomly choose interbank foreign exchange participants for the purpose of collecting quotes, and those randomly chosen quotes will then be averaged to arrive at the final settlement value. In addition, as described above, although the change does give PHLX some flexibility in the number of bids and offers randomly selected, the current methodology for eliminating less frequent quotes will remain the same. This should continue to ensure settlement values are on an accurate reflection of the most current quotes.

The Commission also believes that the inability of the Exchange to decrease the number of bid and offer quotations for each currency that will be randomly selected from the larger pool of at least twenty-five to less than five interbank foreign exchange participants guards against potential manipulation by ensuring that the final settlement value is an average of a minimum number of interbank quotations and is not determined by one or two banks. By requiring bid and offer quotations from at least five interbank participants and allowing only one third of the highest and one third of the lowest bids and offers to be discarded, the amended rule requires that, at a minimum, the final settlement value for any 3D Option must be calculated from at least three bid and offer quotations.[19] Additionally, the Commission finds that the requirement that the Exchange provide notice (at least one week in advance of settlement of the 3D Option) to its membership and public of any change in the number of contributor bank quotations used to calculate the final settlement value for that 3D Option helps to ensure that the investors are aware of the terms of the 3D Option and how the settlement value will be calculated before the expiration of that option.

The Commission finds good cause for approving Amendment No. 4 prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Among other

[13] The Exchange would have the ability to obtain bids and offers from more than five interbank foreign exchange participants as determined by the Foreign Currency Option Committee.

[14] *See* Securities Exchange Act Release Nos. 33732 (March 8, 1994), 59 FR 12023 (March 15, 1994) (3D Mark approval order) and 36505 (November 22, 1995), 60 FR 61277 (November 29, 1995) (3D Yen approval order).

[15] *See* Amendment No. 4.

[16] *See* Amendment No. 4.

[17] 15 U.S.C. 78f(b)(5).

[18] The Commission has previously found that the interbank foreign currency spot market, in general, is an extremely large, diverse market comprised of banks and other financial institutions worldwide. The foreign currency spot market is supplemented by equally deep and liquid markets for standardized options and futures on foreign currencies and options on those futures. There is also an active over-the-counter market for foreign currency options. *See* Securities Exchange Act Release No. 31627 (December 21, 1992), 57 FR 62399.

[19] *See* Amendment No. 4.

things, Amendment No. 4 amends PHLX's rules to allow the number of interbank exchange participants to be chosen from a pool of twenty-five participants or more, rather than a pool of only twenty-five, by adding the words ''at least.'' The Commission believes good cause exists to accelerate approval of Amendment No. 4 because this amendment may provide a more accurate final settlement value, by providing more quotes for the calculation. The algorithm will still replace any quotes that are updated five minutes or more with more frequently updated quotes if they are available. In addition, in approving the 3D Japanese Yen options, the Commission understood that PHLX may use more than twenty-five interbank foreign exchange participants. Also, the amendment further explains the process for calculating the settlement value for 3D Options and clarifies the Exchange's purpose for the proposed rule change. Further, the proposal to change the formula for calculating the settlement value for 3D options was noticed previously in the Federal Register for the full statutory period and the Commission did not receive any comments. Accordingly, the Commission believes that it is consistent with Sections 6 and 19(b)(2) of the Act to approve Amendment No. 4 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 4 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules change that are filed with the Commission, and all written communications relating to the Amendment No. 4 between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available at the principal office of the Exchange. All submissions should refer to File No. SR–PHLX–96–44 and should be submitted by March 18, 1997.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [20] that the proposed rule change (SR–PHLX–96–44), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–4528 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

[20] 15 U.S.C. 78s(b)(2).

[21] 17 CFR 200.30–3(a)(12).

[Release No. 34–38306; File No. SR–SCCP–96–13]

Self-Regulatory Organizations; Stock Clearing Corporation of Philadelphia; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Consolidate and Restate its Fee Schedule

February 19, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 23, 1996, the Stock Clearing Corporation of Philadelphia (''SCCP'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by SCCP. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to consolidate and restate SCCP's schedule of fees and charges (Exhibit A).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SCCP included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. SCCP has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to consolidate and restate SCCP's schedule of fees and charges. SCCP proposes to revise its volume discounts applicable to trade recording fees and value charges for PACE CNS trades settling at SCCP. SCCP currently provides a flat $0.77 per side discount for 4,000 or more trades per month. SCCP's discounts have been revised into the following schedule: $0.77 per side for 4,000 to 6,000 trades per month; $0.55 per side for 6,001 to 8,000 trades per month; and $0.35 per side for over 8,000 trades per month.[3]

Additionally, SCCP proposes to consolidate and restate existing fees and charges. This filing is being made in accordance with SCCP's policy to annually file a comprehensive schedule of all existing fees and charges.

SCCP believes the proposed rule change is consistent with Section 17A of the Act [4] and the rules and regulations thereunder because it will provide for the equitable allocation of dues, fees, and other charges among participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not believe the proposed rule change will impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Sections 19(b)(3)(A)(ii) [5] of the Act and pursuant to Rule 19b–4(e)(2) [6] promulgated thereunder because the proposal establishes a due, fee, or other charge. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by SCCP.

[3] This is not a graduated rate schedule. Once a volume threshold is reached, all trades receive such volume discount rate.

[4] 15 U.S.C. 78q–1

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(e)(2).

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of SCCP. All submissions should refer to File No. SR–SCCP–96–13 and should be submitted by March 18, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

Exhibit A—SR–SCCP–96–13

[Deleted text bracketed, new text italicized]

STOCK CLEARING CORPORATION OF PHILADELPHIA, CONSOLIDATED RESTATEMENT OF FEES

Service	Fee	
1. Account Fees:		
a. Maintenance Fee	$150.00 per month (20 or fewer trades per month) $250.00 per month (over 20 trades per month) $650.00 per month (specialist)	
b. Additional Suffix	$32.00 per month per suffix	
2. Trade Recording Fees:		
a. Regular Trades	$0.47 per side	
b. PACE Trades	$0.30 per side	
c. Municipal Bonds Trades	$1.00 per compared side	
d. Yellow Tickets (between two accounts).	$0.47 per side	
e. Basket Trades	0.60 per side for 1–1,000 trades per month 0.54 per side for 1,001–3,000 trades per month 0.48 per side for 3,001–5,000 trades per month 0.40 per side for more than 5,000 trades per month	
3. Value Fees:		
a. CNS Accounts	0.05 per $1,000 of contract value	
b. Margin Accounts	0.035 per $1,000 of contract value	
c. PACE Trades	None	
d. Maximum Value Charge	25.00 per trade per side	
4. Volume Discounts (Trade Recording Fees and Value Charges):		
a. CNS Trades settling at SCCP (utilizing PACE).	[$0.77 per side maximum with 4,000 or more PACE trades per month] $0.77 per side—4000–6000 PACE trades per month** $0.55 per side—6001–8000 PACE trades per month** $0.35 per side—over 8000 PACE trades per month**	
5. Specialist Discounts for Trades Cleared Through a SCCP Margin Account:		
	Volume level (including PACE trades)	Discount per side
	2,501 to 10,000 sides per month	0.05
	10,001 to 15,000 sides per month	0.10
	15,001 to 20,000 sides per month	0.15
	20,001 to 25,000 sides per month	0.20
	25,001 to 30,000 sides per month	0.25
	30,001 to 35,000 sides per month	0.30
	35,001 to 40,000 sides per month	0.35
	40,001 and over	0.40
6. Municipal Bond Margin Service	$500.00 per month with activity	
7. Treasury Transactions:		
a. Per trade transaction	$40.00 (plus pass through costs)	
b. Per withdrawal—Bearer	$15.00	
c. Per withdrawal—Registered	$10.00	
d. Per transfer	$10.00	
8. Margin Account Pledge Fees	$1.00	
9. New York Office Transactions:		
a. Over the Window Delivery Clearing House.	$5.00	
b. Over the Window Delivery Paid or Suspended.	$5.00	

[7] 17 CFR 200.30–3(a)(12).

STOCK CLEARING CORPORATION OF PHILADELPHIA, CONSOLIDATED RESTATEMENT OF FEES—Continued

Service	Fee	
c. Over the Window Delivery ''Don't Know''.	$10.00	
d. Over the Window Receive Clearing House.	$6.00	
e. Dividend Settlement Service	$5.00	
f. Envelope Settlement Service/Inter-City/Funds Only Settlement Service.	$5.00	
g. Over the Window Delivery Fed Funds.	$22.50	
h. Over the Window Receive Fed Funds.	$22.50	
i. Syndicate Re-Delivery-Paid	$14.00	
j. Syndicate Re-Delivery ''Don't Know''	$17.00	
k. Securities Hold	$5.00	
l. Reorganization Pick-up	$5.00	
m. Reorganization Reject	$10.00	
n. Reorganization Agent Delivery	$15.00	
o. Syndicate Pick-Up	$17.00	
p. Miscellaneous	$5.00	
q. Deliveries to New Jersey	$12.00 per item (plus costs)	
10. Margin Account Interest:		
Charge on net debit balances	½% above bank broker call rate	
11. Research Fees:		
a. Per photocopy of input forms	$4.00	
b. Per microfiche copy	$4.00	
c. Items less than 90 days old	No charge	
d. Items 1 year old or less	$15.00 per hour	
e. Items over 1 year old	$15.00 per hour, $25.00 minimum, plus archive retrieval costs	
12. Computer Transmission/Tapes:		
a. Purchase and Sale, Trade Data (daily).	$100.00 per month	
b. Purchase and Sale, Trades plus T+2 Settling Trades (daily).	$150.00 per month	
c. Miscellaneous	$150.00 per month; includes 6 tapes/transmission $25.00 per additional tape/transmission	
13. Lost and Stolen Securities Program	$100.00 per year, $2.50 per inquiry	
14. P&L Statement Charges	$0.01 per line	
15. Buy-ins	$5.00 per items submitted	
16. Member to Member Envelope Service	$5.00 per envelope (charged to sender), plus carrier costs	

**This is not a graduated rate schedule. Once this volume threshold is reached, all trades from the first trade receive such volume discount rate.

[FR Doc. 97–4609 Filed 2–24–97; 8:45 am]

BILLING CODE 8010–01–M

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of: (1) Promulgation of a temporary, ''emergency'' guideline amendment generally increasing the offense levels for List I chemicals by two levels and a proposal to re-promulgate such amendment as a non-emergency amendment; (2) deferred action until the March 19, 1997, meeting on previously proposed temporary, ''emergency'' guideline amendments increasing penalties for alien smuggling, fraudulent use of government-issued documents, and involuntary servitude, peonage, and slave trade offenses; (3) other proposed non-emergency amendments to sentencing guidelines and commentary; (4) proposed conforming amendments relating to proposed amendment 18, published in 62 FR 151 (January 2, 1997); and (5) proposed conforming amendment relating to proposed amendment 12, published in 62 FR 151 (January 2, 1997). Request for comment.

SUMMARY: The Sentencing Commission hereby gives notice of the following actions: (1) Pursuant to section 302 of the Comprehensive Methamphetamine Control Act of 1996, the Commission is promulgating a temporary, emergency amendment to § 2D1.11 and accompanying commentary; pursuant to section 217(a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994(a) and (p)), the Commission further proposes to re-promulgate such amendment as a non-emergency amendment; (2) the Commission has deferred action on promulgating amendments to §§ 2L1.1, 2L2.1, 2L2.2, and 2H4.1 relating to sections 203, 211, and 218 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 until the meeting on March 19, 1997; and (3) pursuant to section 217 (a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994 (a) and (p)), the Commission is considering promulgating certain other non-emergency amendments to the sentencing guidelines and commentary. The Commission may submit the non-emergency amendments to the Congress not later than May 1, 1997.

This notice sets forth the emergency and other proposed amendments and a synopsis of the issues addressed by the amendments, as well as additional issues for comment. The proposed amendments are presented in this notice in one of two formats. First, some of the

amendments are proposed as specific revisions to a guideline or commentary. Bracketed text within a proposed amendment indicates alternative proposals and that the Commission invites comment and suggestions for appropriate policy choices; for example, a proposed enhancement of [3–5] levels means a proposed enhancement of either three, four, or five levels. Similarly, a proposed enhancement of [4] levels indicates that the Commission is considering, and invites comment on, alternative policy choices. Second, the Commission has highlighted certain issues for comment and invites suggestions for specific amendment language.

DATES: (1) The Commission has specified an effective date of May 1, 1997, for the emergency amendment increasing the penalties for offenses involving List I chemicals.

(2) Comment on the non-emergency amendments and issues set forth in this notice should be received not later than March 28, 1997.

(3) The Commission has re-scheduled the public hearing on non-emergency amendments proposed for comment in the Federal Register of January 2, 1997, (62 FR 151) and in this notice for March 18, 1997, beginning at 9:30 a.m. in the Thurgood Marshall Federal Judiciary Building, One Columbus Circle, NE, Washington, DC 20002–8002.

A person who desires to testify at the public hearing should notify Michael Courlander, Public Information Specialist, at (202) 273–4590 not later than March 3, 1997. Written testimony for the hearing must be received by the Commission not later than March 10, 1997. Submission of written testimony is a requirement for testifying at the public hearing.

ADDRESSES: Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, NE, Suite 2–500, Washington, DC 20002–8002, Attention: Public Information.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Information Specialist, Telephone: (202) 273–4590.

Authority: 28 U.S.C. 994 (a), (o), (p), (x).

Richard P. Conaboy,

Chairman.

Emergency Amendments

Section 2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy

1. Synopsis of Amendment: This amendment implements section 302 of the Comprehensive Methamphetamine Control Act of 1996. That section raises the statutory maximum penalties under 21 U.S.C. 841(d) and 960(d) from ten to twenty years' imprisonment. The Act also instructs the Commission to increase by at least two levels the offense levels for offenses involving list I chemicals under 21 U.S.C. 841(d) (1) and (2) and 960(d) (1) and (3). These offenses involve the possession and importation of listed chemicals knowing, or having reasonable cause to believe, the chemicals will be used to unlawfully manufacture a controlled substance. The Act requires that the offense levels be calculated proportionately on the basis of the quantity of controlled substance that reasonably could be manufactured in a clandestine setting using the quantity of list I chemical possessed, distributed, imported, or exported.

The amendment raises the penalties for list I chemicals by two levels. The top of the Chemical Quantity Table for list I chemicals will now be at level 30. The offense level for list II chemicals remains the same. With the new statutory maximum of 20 years, the guidelines will now be able to better take into account aggravating adjustments such as those for role in the offense. Additionally, the increased statutory maximum will allow for higher sentences for cases convicted under this statute that involve the actual manufacture of a controlled substance.

The amendment also makes a clerical change to correct the spelling of ''Isosafrole''.

Effective Date: The Commission has specified an effective date of May 1, 1997, for this emergency amendment.

Notice of Proposed Re-Promulgation as Permanent Amendment: The Commission also proposes to re-promulgate this amendment as a non-emergency amendment and submit it to Congress not later than May 1, 1997.

Amendment: Section 2D1.11(d) is amended by deleting subsections (d)(1)–(9) and inserting in lieu thereof the following:

Listed chemicals and quantity	Base offense level
(1) List I Chemicals	Level 30.
17.8 KG or more of Benzaldehyde;	
20 KG or more of Benzyl Cyanide;	
20 KG or more of Ephedrine;	
200 G or more of Ergonovine;	
400 G or more of Ergotamine;	
20 KG or more of Ethylamine;	
44 KG or more of Hydriodic Acid;	
320 KG or more of Isosafrole;	
4 KG or more of Methylamine;	
500 KG or more of N-Methylephedrine;	
500 KG or more of N-Methylpseudoephedrine;	
12.6 KG or more of Nitroethane;	
200 KG or more of Norpseudoephedrine;	
20 KG or more of Phenylacetic Acid;	
200 KG or more of Phenylpropanolamine;	
10 KG or more of Piperidine;	
320 KG or more of Piperonal;	
1.6 KG or more of Propionic Anhydride;	
20 KG or more of Pseudoephedrine;	
320 KG or more of Safrole;	
400 KG or more of 3, 4-Methylenedioxyphenyl-2-propanone;	
(2) List I Chemicals	Level 28.

Listed chemicals and quantity	Base offense level
At least 5.3 KG but less than 17.8 KG of Benzaldehyde;	
At least 6 KG but less than 20 KG of Benzyl Cyanide;	
At least 6 KG but less than 20 KG of Ephedrine;	
At least 60 G but less than 200 G of Ergonovine;	
At least 120 G but less than 400 G of Ergotamine;	
At least 6 KG but less than 20 KG of Ethylamine;	
At least 13.2 KG but less than 44 KG of Hydriodic Acid;	
At least 96 KG but less than 320 KG of Isosafrole;	
At least 1.2 KG but less than 4 KG of Methylamine;	
At least 150 KG but less than 500 KG of N-Methylephedrine;	
At least 150 KG but less than 500 KG of N-Methylpseudoephedrine;	
At least 3.8 KG but less than 12.6 KG of Nitroethane;	
At least 60 KG but less than 200 KG of Norpseudoephedrine;	
At least 6 KG but less than 20 KG of Phenylacetic Acid;	
At least 60 KG but less than 200 KG of Phenylpropanolamine;	
At least 3 KG but less than 10 KG of Piperidine;	
At least 96 KG but less than 320 KG of Piperonal;	
At least 480 G but less than 1.6 KG of Propionic Anhydride;	
At least 6 KG but less than 20 KG of Pseudoephedrine;	
At least 96 KG but less than 320 KG of Safrole;	
At least 120 KG but less than 400 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
11 KG or more of Acetic Anhydride;	
1175 KG or more of Acetone;	
20 KG or more of Benzyl Chloride;	
1075 KG or more of Ethyl Ether;	
1200 KG or more of Methyl Ethyl Ketone;	
10 KG or more of Potassium Permanganate;	
1300 KG or more of Toluene.	
(3) List I Chemicals	Level 26.
At least 1.8 KG but less than 5.3 KG of Benzaldehyde;	
At least 2 KG but less than 6 KG of Benzyl Cyanide;	
At least 2 KG but less than 6 KG of Ephedrine;	
At least 20 G but less than 60 G of Ergonovine;	
At least 40 G but less than 120 G of Ergotamine;	
At least 2 KG but less than 6 KG of Ethylamine;	
At least 4.4 KG but less than 13.2 KG of Hydriodic Acid;	
At least 32 KG but less than 96 KG of Isosafrole;	
At least 400 G but less than 1.2 KG of Methylamine;	
At least 50 KG but less than 150 KG of N-Methylephedrine;	
At least 50 KG but less than 150 KG of N-Methylpseudoephedrine;	
At least 1.3 KG but less than 3.8 KG of Nitroethane;	
At least 20 KG but less than 60 KG of Norpseudoephedrine;	
At least 2 KG but less than 6 KG of Phenylacetic Acid;	
At least 20 KG but less than 60 KG of Phenylpropanolamine;	
At least 1 KG but less than 3 KG of Piperidine;	
At least 32 KG but less than 96 KG of Piperonal;	
At least 160 G but less than 480 G of Propionic Anhydride;	
At least 2 KG but less than 6 KG of Pseudoephedrine;	
At least 32 KG but less than 96 KG of Safrole;	
At least 40 KG but less than 120 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 3.3 KG but less than 11 KG of Acetic Anhydride;	
At least 352.5 KG but less than 1175 KG of Acetone;	
At least 6 KG but less than 20 KG of Benzyl Chloride;	
At least 322.5 KG but less than 1075 KG of Ethyl Ether;	
At least 360 KG but less than 1200 KG of Methyl Ethyl Ketone;	
At least 3 KG but less than 10 KG of Potassium Permanganate;	
At least 390 KG but less than 1300 KG of Toluene.	
(4) List I Chemicals	Level 24.

Listed chemicals and quantity	Base offense level
At least 1.2 KG but less than 1.8 KG of Benzaldehyde;	
At least 1.4 KG but less than 2 KG of Benzyl Cyanide;	
At least 1.4 KG but less than 2 KG of Ephedrine;	
At least 14 G but less than 20 G of Ergonovine;	
At least 28 G but less than 40 G of Ergotamine;	
At least 1.4 KG but less than 2 KG of Ethylamine;	
At least 3.08 KG but less than 4.4 KG of Hydriodic Acid;	
At least 22.4 KG but less than 32 KG of Isosafrole;	
At least 280 G but less than 400 G of Methylamine;	
At least 35 KG but less than 50 KG of N-Methylephedrine;	
At least 35 KG but less than 50 KG of N-Methylpseudoephedrine;	
At least 879 G but less than 1.3 KG of Nitroethane;	
At least 14 KG but less than 20 KG of Norpseudoephedrine;	
At least 1.4 KG but less than 2 KG of Phenylacetic Acid;	
At least 14 KG but less than 20 KG of Phenylpropanolamine;	
At least 700 G but less than 1 KG of Piperidine;	
At least 22.4 KG but less than 32 KG of Piperonal;	
At least 112 G but less than 160 G of Propionic Anhydride;	
At least 1.4 KG but less than 2 KG of Pseudoephedrine;	
At least 22.4 KG but less than 32 KG of Safrole;	
At least 28 KG but less than 40 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 1.1 KG but less than 3.3 KG of Acetic Anhydride;	
At least 117.5 KG but less than 352.5 KG of Acetone;	
At least 2 KG but less than 6 KG of Benzyl Chloride;	
At least 107.5 KG but less than 322.5 KG of Ethyl Ether;	
At least 120 KG but less than 360 KG of Methyl Ethyl Ketone;	
At least 1 KG but less than 3 KG of Potassium Permanganate;	
At least 130 KG but less than 390 KG of Toluene.	
(5) List I Chemicals	Level 22.
At least 712 G but less than 1.2 KG of Benzaldehyde;	
At least 800 G but less than 1.4 KG of Benzyl Cyanide;	
At least 800 G but less than 1.4 KG of Ephedrine;	
At least 8 G but less than 14 G of Ergonovine;	
At least 16 G but less than 28 G of Ergotamine;	
At least 800 G but less than 1.4 KG of Ethylamine;	
At least 1.76 KG but less than 3.08 KG of Hydriodic Acid;	
At least 12.8 KG but less than 22.4 KG of Isosafrole;	
At least 160 G but less than 280 G of Methylamine;	
At least 20 KG but less than 35 KG of N-Methylephedrine;	
At least 20 KG but less than 35 KG of N-Methylpseudoephedrine;	
At least 503 G but less than 879 G of Nitroethane;	
At least 8 KG but less than 14 KG of Norpseudoephedrine;	
At least 800 G but less than 1.4 KG of Phenylacetic Acid;	
At least 8 KG but less than 14 KG of Phenylpropanolamine;	
At least 400 G but less than 700 G of Piperidine;	
At least 12.8 KG but less than 22.4 KG of Piperonal;	
At least 64 G but less than 112 G of Propionic Anhydride;	
At least 800 G but less than 1.4 KG of Pseudoephedrine;	
At least 12.8 KG but less than 22.4 KG of Safrole;	
At least 16 KG but less than 28 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 726 G but less than 1.1 KG of Acetic Anhydride;	
At least 82.25 KG but less than 117.5 KG of Acetone;	
At least 1.4 KG but less than 2 KG of Benzyl Chloride;	
At least 75.25 KG but less than 107.5 KG of Ethyl Ether;	
At least 84 KG but less than 120 KG of Methyl Ethyl Ketone;	
At least 700 G but less than 1 KG of Potassium Permanganate;	
At least 91 KG but less than 130 KG of Toluene.	
(6) List I Chemicals	Level 20.

Listed chemicals and quantity	Base offense level
At least 178 G but less than 712 G of Benzaldehyde;	
At least 200 G but less than 800 G of Benzyl Cyanide;	
At least 200 G but less than 800 G of Ephedrine;	
At least 2 G but less than 8 G of Ergonovine;	
At least 4 G but less than 16 G of Ergotamine;	
At least 200 G but less than 800 G of Ethylamine;	
At least 440 G but less than 1.76 KG of Hydriodic Acid;	
At least 3.2 KG but less than 12.8 KG of Isosafrole;	
At least 40 G but less than 160 G of Methylamine;	
At least 5 KG but less than 20 KG of N-Methylephedrine;	
At least 5 KG but less than 20 KG of N-Methylpseudoephedrine;	
At least 126 G but less than 503 G of Nitroethane;	
At least 2 KG but less than 8 KG of Norpseudoephedrine;	
At least 200 G but less than 800 G of Phenylacetic Acid;	
At least 2 KG but less than 8 KG of Phenylpropanolamine;	
At least 100 G but less than 400 G of Piperidine;	
At least 3.2 KG but less than 12.8 KG of Piperonal;	
At least 16 G but less than 64 G of Propionic Anhydride;	
At least 200 G but less than 800 G of Pseudoephedrine;	
At least 3.2 KG but less than 12.8 KG of Safrole;	
At least 4 KG but less than 16 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 440 G but less than 726 G of Acetic Anhydride;	
At least 47 KG but less than 82.25 KG of Acetone;	
At least 800 G but less than 1.4 KG of Benzyl Chloride;	
At least 43 KG but less than 75.25 KG of Ethyl Ether;	
At least 48 KG but less than 84 KG of Methyl Ethyl Ketone;	
At least 400 G but less than 700 G of Potassium Permanganate;	
At least 52 KG but less than 91 KG of Toluene.	
(7) List I Chemicals	Level 18.
At least 142 G but less than 178 G of Benzaldehyde;	
At least 160 G but less than 200 G of Benzyl Cyanide;	
At least 160 G but less than 200 G of Ephedrine;	
At least 1.6 G but less than 2 G of Ergonovine;	
At least 3.2 G but less than 4 G of Ergotamine;	
At least 160 G but less than 200 G of Ethylamine;	
At least 352 G but less than 440 G of Hydriodic Acid;	
At least 2.56 KG but less than 3.2 KG of Isosafrole;	
At least 32 G but less than 40 G of Methylamine;	
At least 4 KG but less than 5 KG of N-Methylephedrine;	
At least 4 KG but less than 5 KG of N-Methylpseudoephedrine;	
At least 100 G but less than 126 G of Nitroethane;	
At least 1.6 KG but less than 2 KG of Norpseudoephedrine;	
At least 160 G but less than 200 G of Phenylacetic Acid;	
At least 1.6 KG but less than 2 KG of Phenylpropanolamine;	
At least 80 G but less than 100 G of Piperidine;	
At least 2.56 KG but less than 3.2 KG of Piperonal;	
At least 12.8 G but less than 16 G of Propionic Anhydride;	
At least 160 G but less than 200 G of Pseudoephedrine;	
At least 2.56 KG but less than 3.2 KG of Safrole;	
At least 3.2 KG but less than 4 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 110 G but less than 440 G of Acetic Anhydride;	
At least 11.75 KG but less than 47 KG of Acetone;	
At least 200 G but less than 800 G of Benzyl Chloride;	
At least 10.75 KG but less than 43 KG of Ethyl Ether;	
At least 12 KG but less than 48 KG of Methyl Ethyl Ketone;	
At least 100 G but less than 400 G of Potassium Permanganate;	
At least 13 KG but less than 52 KG of Toluene.	
(8) List I Chemicals	Level 16.

Listed chemicals and quantity	Base offense level
3.6 KG or more of Anthranilic Acid;	
At least 107 G but less than 142 G of Benzaldehyde;	
At least 120 G but less than 160 G of Benzyl Cyanide;	
At least 120 G but less than 160 G of Ephedrine;	
At least 1.2 G but less than 1.6 G of Ergonovine;	
At least 2.4 G but less than 3.2 G of Ergotamine;	
At least 120 G but less than 160 G of Ethylamine;	
At least 264 G but less than 352 G of Hydriodic Acid;	
At least 1.92 KG but less than 2.56 KG of Isosafrole;	
At least 24 G but less than 32 G of Methylamine;	
4.8 KG or more of N-Acetylanthranilic Acid;	
At least 3 KG but less than 4 KG of N-Methylephedrine;	
At least 3 KG but less than 4 KG of N-Methylpseudoephedrine;	
At least 75 G but less than 100 G of Nitroethane;	
At least 1.2 KG but less than 1.6 KG of Norpseudoephedrine;	
At least 120 G but less than 160 G of Phenylacetic Acid;	
At least 1.2 KG but less than 1.6 KG of Phenylpropanolamine;	
At least 60 G but less than 80 G of Piperidine;	
At least 1.92 KG but less than 2.56 KG of Piperonal;	
At least 9.6 G but less than 12.8 G of Propionic Anhydride;	
At least 120 G but less than 160 G of Pseudoephedrine;	
At least 1.92 KG but less than 2.56 KG of Safrole;	
At least 2.4 KG but less than 3.2 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 88 G but less than 110 G of Acetic Anhydride;	
At least 9.4 KG but less than 11.75 KG of Acetone;	
At least 160 G but less than 200 G of Benzyl Chloride;	
At least 8.6 KG but less than 10.75 KG of Ethyl Ether;	
At least 9.6 KG but less than 12 KG of Methyl Ethyl Ketone;	
At least 80 G but less than 100 G of Potassium Permanganate;	
At least 10.4 KG but less than 13 KG of Toluene.	
(9) List I Chemicals	Level 14.
At least 2.7 KG but less than 3.6 KG of Anthranilic Acid;	
At least 71.2 G but less than 107 G of Benzaldehyde;	
At least 80 G but less than 120 G of Benzyl Cyanide;	
At least 80 G but less than 120 G of Ephedrine;	
At least 800 MG but less than 1.2 G of Ergonovine;	
At least 1.6 G but less than 2.4 G of Ergotamine;	
At least 80 G but less than 120 G of Ethylamine;	
At least 176 G but less than 264 G of Hydriodic Acid;	
At least 1.44 G but less than 1.92 KG of Isosafrole;	
At least 16 G but less than 24 G of Methylamine;	
At least 3.6 KG but less than 4.8 KG of N-Acetylanthranilic Acid;	
At least 2.25 KG but less than 3 KG of N-Methylephedrine;	
At least 2.25 KG but less than 3 KG of N-Methylpseudoephedrine;	
At least 56.25 G but less than 75 G of Nitroethane;	
At least 800 G but less than 1.2 KG of Norpseudoephedrine;	
At least 80 G but less than 120 G of Phenylacetic Acid;	
At least 800 G but less than 1.2 KG of Phenylpropanolamine;	
At least 40 G but less than 60 G of Piperidine;	
At least 1.44 KG but less than 1.92 KG of Piperonal;	
At least 7.2 G but less than 9.6 G of Propionic Anhydride;	
At least 80 G but less than 120 G of Pseudoephedrine;	
At least 1.44 G but less than 1.92 KG of Safrole;	
At least 1.8 KG but less than 2.4 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
At least 66 G but less than 88 G of Acetic Anhydride;	
At least 7.05 KG but less than 9.4 KG of Acetone;	
At least 120 G but less than 160 G of Benzyl Chloride;	
At least 6.45 KG but less than 8.6 KG of Ethyl Ether;	
At least 7.2 KG but less than 9.6 KG of Methyl Ethyl Ketone;	
At least 60 G but less than 80 G of Potassium Permanganate;	
At least 7.8 KG but less than 10.4 KG of Toluene.	
(10) List I Chemicals	Level 12.

Listed chemicals and quantity	Base offense level
Less than 2.7 KG of Anthranilic Acid;	
Less than 71.2 G of Benzaldehyde	
Less than 80 G of Benzyl Cyanide;	
Less than 80 G of Ephedrine;	
Less than 800 MG of Ergonovine;	
Less than 1.6 G of Ergotamine;	
Less than 80 G of Ethylamine;	
Less than 176 G of Hydriodic Acid;	
Less than 1.44 G of Isosafrole;	
Less than 16 G of Methylamine;	
Less than 3.6 KG of N-Acetylanthranilic Acid;	
Less than 2.25 KG of N-Methylephedrine;	
Less than 2.25 KG of N-Methylpseudoephedrine;	
Less than 56.25 G of Nitroethane;	
Less than 800 G of Norpseudoephedrine;	
Less than 80 G of Phenylacetic Acid;	
Less than 800 G of Phenylpropanolamine;	
Less than 40 G of Piperidine;	
Less than 1.44 KG of Piperonal;	
Less than 7.2 G of Propionic Anhydride;	
Less than 80 G of Pseudoephedrine;	
Less than 1.44 G of Safrole;	
Less than 1.8 KG of 3, 4-Methylenedioxyphenyl-2-propanone;	
List II Chemicals	
Less than 66 G of Acetic Anhydride;	
Less than 7.05 KG of Acetone;	
Less than 120 G of Benzyl Chloride;	
Less than 6.45 KG of Ethyl Ether;	
Less than 7.2 KG of Methyl Ethyl Ketone;	
Less than 60 G of Potassium Permanganate;	
Less than 7.8 KG of Toluene.''.	

Section 2D1.11 is amended in Note ''E'' (List I Chemical Equivalency Table) of the guideline by deleting ''Isoafrole'' and inserting in lieu thereof ''Isosafrole''.

The Commentary to § 2D1.11 captioned ''Application Notes'' is amended in Note 4(a) by deleting ''three kilograms'' and inserting in lieu thereof ''300 grams''; by deleting ''24'' each time it appears and inserting in lieu thereof ''26''; and by deleting ''14'' and inserting in lieu thereof ''16''.

''Emergency'' Amendments on Alien Smuggling, Immigration Document Fraud, and Involuntary Servitude

2. In its previous Notice of Proposed Amendments, see 62 FR 151 (January 2, 1997), the Commission gave notice of an intent to promulgate as temporary, ''emergency'' amendments certain proposals relating to Alien Smuggling (§ 2L1.1), Immigration Document Fraud (§ 2L2.1 and 2L2.2), and Involuntary Servitude (§ 2H4.1). The Commission considered these amendments at its February 12, 1997, meeting but deferred action on them until its March 19, 1997 meeting. At that meeting, the Commission intends to further consider these proposals and may promulgate some version of them as temporary, ''emergency'' amendments. If the Commission so acts, it may also propose to re-promulgate these proposals as non-emergency amendments to be submitted to Congress by May 1, 1997. These proposals should be considered in light of that likely course of action.

Non-Emergency Amendments

Immigration

3. Synopsis of Proposed Amendment: The proposed amendment implements sections 321 and 334 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (''the Act''). Section 321 of the Act amends the definition of ''aggravated felony'' in the Immigration and Nationality Act in several different ways including adding to the definition the crimes of rape and sexual abuse of a minor as well as any crime of violence for which the term of imprisonment is at least one year. This proposed amendment makes the definition of ''aggravated felony'' in the guidelines coextensive with the amended definition in the Immigration and Nationality Act.

Section 334 directs the Sentencing Commission to promulgate amendments to the sentencing guidelines for offenses for the crimes of unlawfully remaining and illegally entering the United States corresponding to changes made in statutory penalties for these offenses in the Violent Crime Control and Law Enforcement Act of 1994. This proposed amendment provides for enhanced penalties for those who unlawfully enter or remain in the United States following conviction for an aggravated felony, any other felony, or three misdemeanor crimes of violence or controlled substance offenses. The proposed amendment also makes clarifying changes to the commentary.

Proposed Amendment: Section 2L1.2 is amended by deleting subsection (b) and inserting in lieu thereof the following:

''(b) Specific Offense Characteristics:

If the defendant previously was deported after a criminal conviction, or if the defendant unlawfully remained in the United States following a removal order issued after a criminal conviction, increase as follows (if more than one applies, use the greater):

(1) If the conviction was for a crime of violence or controlled substance offense[, and such conviction was punishable by more than five years imprisonment], increase by 16 levels.

(2) If the conviction was for any other aggravated felony, increase by [10, 12] levels.

(3) If the conviction was for (A) any other felony, [other than a felony involving violation of the immigration laws], or (B) three or more misdemeanors that were either crimes of

violence or controlled substance offenses, increase by 4 levels.''.

The Commentary to § 2L1.2 captioned ''Application Notes'' is amended by deleting Notes 3 and 4 in their entirety; by renumbering Notes 1 and 2 as Notes 2 and 3 and by inserting the following as a new Note 1:

''1. For purposes of this guideline—'Deported after a conviction,' means that the deportation was subsequent to the conviction, whether or not the deportation was in response to such conviction. An alien has previously been 'deported' if he or she has been removed or has departed the United States while an order of exclusion, deportation, or removal was outstanding. 'Remains in the United States following a removal order issued after a conviction,' means that the removal order was subsequent to the conviction, whether or not the removal order was in response to such conviction. 'Aggravated felony,' is defined at 8 U.S.C. 1101(a)(43) [without regard to the date of conviction of the aggravated felony]. 'Crime of violence,' and 'controlled substance offense' are defined in § 4B1.2. ['Punishable by more than five years imprisonment,' as used in subsection (b)(1) means that the aggravated felony offense of conviction had a maximum term of imprisonment exceeding five years.] For purposes of subsection (b)(3), 'crime of violence' includes offenses punishable by imprisonment for a term of one year or less.''.

The Commentary to § 2L1.2 captioned ''Application Notes'' is amended in Note 5 by deleting ''(b)(1) or (b)(2)'' and inserting in lieu thereof ''(b)''; and by redesignating Note 5 as Note 4.''.

The Commentary to § 2L1.2 captioned ''Application Notes'' is amended by deleting Notes 6 and 7 in their entirety.

4. Synopsis of Proposed Amendment: The proposed amendment implements sections 108 and 216 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (''the Act''). Section 108 creates a new crime, at 18 U.S.C. 758, for fleeing or evading a law enforcement checkpoint at high speed. This proposed amendment changes Appendix A to reference the new offense to § 2A2.4. Section 216 of the Act creates a new crime, at 18 U.S.C. 611, for voting by any alien in a federal election. This proposed amendment changes Appendix A to reference the new offense to § 2H2.1.

Appendix A is amended by inserting the following at the appropriate place by title and section:

''18 U.S.C. § 611 2H2.1'',

''18 U.S.C. § 758 2A2.4''.

Reckless Endangerment During Flight

5. Synopsis of Proposed Amendment: The proposed amendment provides a minimum offense level of either 18, 19, or 20 for any offense where the defendant recklessly created a substantial risk of death or bodily injury to another person in the course of fleeing from a law enforcement officer. This proposed amendment was requested by the Department of Justice and is consistent with the approach taken by the Commission in the proposed amendment to the alien smuggling guideline, published in the Federal Register on January 2, 1997. That amendment provides minimum offense levels when a defendant creates a substantial risk of death or bodily injury in the course of an alien smuggling offense.

Section 3C1.2 is amended by inserting after the ''2 levels'' the following:

'', but if the resulting offense level is less than level [18–20], increase to level [18–20]'' following ''2 levels''.

6(A). Synopsis of Proposed Amendment: This amendment addresses several new offenses, including the offense of interstate stalking, 18 U.S.C. 2261A, which was recently enacted in section 1069 of the Defense Authorization Act for Fiscal Year 1997. That offense makes it unlawful to travel across a State line or within Federal jurisdiction with the intent to injure or harass another person and, in the course of such travel, to place that person in reasonable fear of death or serious bodily injury to that person or that person's immediate family. The maximum term of imprisonment for violation of the statute is (A) 5 years, (B) 10 years, if serious bodily injury occurred or a dangerous weapon was used, (C) 20 years, if permanent disfigurement or life threatening bodily injury occurred, or (D) any term of years or life, if the victim dies.

Two options are presented. Option One references the new offense in the Statutory Index to various Chapter Two offense guidelines that the Commission has concluded will most likely cover the underlying conduct embodied in the federal stalking offense, including minor assault, aggravated assault, rape, and murder. This approach is consistent with the approach the Commission adopted two years ago with respect to the federal domestic violence offenses, 18 U.S.C. 2261–62.

In addition, the minor assault guideline, § 2A2.3, is amended in several respects by Option One to provide a more appropriate and sufficiently severe offense level for offenses sentenced under that guideline. First, the amendment proposes to increase the base offense level to [9], if bodily injury occurred or if a dangerous weapon was possessed and its use was threatened, or [6], otherwise. Second, the amendment provides an enhancement if the offense involved stalking. Third, the amendment adds a cross reference to the aggravated assault guideline, § 2A2.2, if the conduct involved aggravated assault.

In order to most efficiently provide the same increase in offense level for the minor assault guideline that deals with obstructing or impeding an officer, § 2A2.4, Option One consolidates that guideline with the minor assault guideline, § 2A2.3.

Option One also incorporates repetitive stalking conduct and the violation of a court protection order into the threatening communications guideline, § 2A6.1. It expressly provides for the grouping of multiple counts involving the same victim (in order to avoid double counting with the multiple act enhancement). A cross reference is provided in that guideline to apply the Chapter Two offense guideline most appropriate to the underlying conduct, if the resulting offense level is greater.

Option Two refers the new offense only to the threatening communications guideline, § 2A6.1, and reworks that guideline to better take into account the variety of offenses covered by the expanded guideline. Option Two provides an enhancement for the commission of repetitive acts of stalking and threatening communication and for the violation of a court protection order. It expressly provides for the grouping of multiple counts involving such conduct with respect to the same victim (in order to avoid double counting with the multiple act enhancement and to address a recurring case law and hotline issue). It also provides for a cross reference to other Chapter Two offense guidelines covering crimes against the person, if the resulting offense level is higher. The cross reference is provided to cover circumstances in which offenses covered by the guideline, particularly stalking, involve underlying crimes of violence.

Option Two also adds an enhancement to the minor and aggravated assault guidelines if the offense involved the violation of a court protection order. This change is proposed in order to better ensure an adequate offense level for offenses, particularly domestic violence offenses under 18 U.S.C. 2261, 2262, in which such conduct is often a factor. In addition, Option Two references offenses under 18 U.S.C. 2262 to the

threatening communications guideline (to cover cases involving repetitive harassment in violation of a protection order) and incorporates the definition of ''bodily injury'' statutorily applicable to such cases.

Both options also address several new harassing telecommunications offenses, 47 U.S.C. 223(a)(1)(C)–(E), which were enacted in section 502 of the Telecommunications Act of 1996. The new offenses, which carry a maximum term of imprisonment of two years, make it unlawful to:

(C) Make a telephone call or utilize a telecommunications device, whether or not conversation or communication ensues, without disclosing one's identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

(D) Make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(E) Make repeated telephone calls or repeatedly initiate communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication.

Both options reference the new telecommunications offenses to the threatening communications guideline and amend that guideline to provide a lower offense level if the offense involved only harassment unaccompanied by a threat or stalking.

Both options also address a circuit conflict regarding the enhancement in the threatening communication guideline that provides for a 6-level increase if the offense involved any conduct evidencing an intent to carry out a threat. Specifically, the conflict is whether or not conduct which occurred prior to the making of a threat can evidence an intent to carry out the threat. Compare *United States* v. *Hornick,* 942 F.2d 105 (2d Cir. 1991) (''a person cannot take action that will constitute proof of his intent to carry out a threat until after the threat has been made'') with *United States* v. *Gary,* 18 F.3d 1123 (4th Cir. 1994) (''any acts that evidence an intent to carry out the threats on which a conviction is predicated, whether committed prior to or following such threats, may form the basis of the § 2A6.1(b)(1) adjustment''); *United States* v. *Sullivan,* 75 F.3d 297 (7th Cir. 1996); *United States* v. *Hines,* 26 F.3d 1469 (9th Cir. 1994); *United States* v. *Taylor,* 88 F.3d 938 (11th Cir. 1996) (''the essential inquiry for § 2A6.1(b)(1) is whether the facts of the case, taken as a whole, establish a sufficiently direct connection between the defendant's pre-threat conduct and his threat''). Both options essentially adopt the Eleventh Circuit's view by adding an application note to provide that conduct other than the offense of conviction and relevant conduct under § 1B1.3 may be considered in determining the application of the guideline's enhancements if there is a sufficient, direct connection between that other conduct and the offense of conviction.

Proposed Amendment: Option One: Section 2A2.3 is amended in the title by inserting ''; Obstructing or Impeding Officers'' after ''Minor Assault''.

Section 2A2.3(a)(1) is amended by deleting ''6'' and inserting in lieu thereof ''[9]''; and by deleting ''physical contact'' and inserting in lieu thereof ''bodily injury''.

Section 2A2.3(a)(2) is amended by deleting ''3'' and inserting in lieu thereof ''[6]''.

Section 2A2.3(b) is amended by deleting ''Characteristic'' and inserting in lieu thereof ''Characteristics''; and by adding at the end the following:

''(2) If the offense involved (A) [two or more] instances of stalking, or (B) violation of a court protection order, increase by [2,3] levels.

(3) If the offense involved obstructing or impeding a governmental officer in the performance of his duties, increase by 3 levels.

(c) Cross Reference.

(1) If the offense involved aggravated assault, apply § 2A2.2 (Aggravated Assault).''.

The Commentary to § 2A2.3 captioned ''Application Notes'' is amended in Note 1 by inserting ''For purposes of this guideline—'' before '' 'Minor Assault' ''.

The Commentary to § 2A2.3 captioned ''Application Notes'' is amended in Note 2 by deleting ''2.''.

The Commentary to § 2A2.3 captioned ''Application Notes'' is amended in Note 3 by adding at the end the following new paragraph:

'' 'Stalking' means traveling with the intent to injure or harass another person and, in the course of, or as a result, of such travel, placing the person in reasonable fear of death or serious bodily injury to the person or the person's immediate family. See 18 U.S.C. 2261A. 'Immediate family' has the meaning set forth in 18 U.S.C. 115(c)(2).''.

The Commentary to § 2A2.3 captioned ''Application Notes'' is amended in Note 3 by deleting ''3.''; by deleting ''′bodily'' and inserting in lieu thereof ''bodily''; and by deleting ''faculty.′'' and inserting in lieu thereof ''faculty. See''.

The Commentary to § 2A2.3 captioned ''Application Notes'' is amended by adding at the end the following new notes:

''3. Subsection (b)(3) reflects the fact that the victim was a governmental officer performing official duties. If subsection (b)(3) applies, do not apply § 3A1.2 (Official Victim) unless the offense level is determined by use of the cross reference in subsection (c).

4. The offense level under this guideline does not assume any significant disruption of governmental functions. In situations involving such disruption, an upward departure may be warranted. See § 5K2.7 (Disruption of Governmental Functions).''.

Chapter Two, Part A, Subpart 6 is amended in the title by inserting ''or Harassing'' after ''Threatening''.

Section 2A6.1 is deleted in its entirety and the following inserted in lieu thereof:

''§ 2A6.1. Threatening or Harassing Communications.

(a) Base Offense Level: [12].

(b) Specific Offense Characteristics.

(1) If the offense involved any conduct evidencing an intent to cause bodily injury or to carry out a threat, increase by [6] levels.

(2) If the defendant[, or another person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct),] committed [two or more] instances of stalking, or making a threatening communication to, the same victim, (or a combination of [two or more] instances of stalking, and making a threatening communication to, the same victim), increase by [2] levels.

(3) If the defendant[, or another person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct),] violated a court protection order, increase by [2] levels.

(4) If subdivisions (1), (2), and (3) do not apply, and the offense involved (A) a single instance evidencing little or no deliberation, or (B) harassing communication that did not involve a threat or stalking, decrease by [4] levels.

(c) Cross Reference.

(1) If the offense involved conduct covered by another offense guideline from Chapter Two, Part A (Offenses Against the Person), apply that offense guideline, if the resulting offense level is greater than that determined above.

Commentary

Statutory Provisions: 18 U.S.C. 871, 876, 877, 878(a), 879; 47 U.S.C. 223(a)(1)(C)–(E). For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. For purposes of this guideline—

''Stalking'' means traveling with the intent to injure or harass another person and, in the course of, or as a result of, such travel, placing the person in reasonable fear of death or serious bodily injury to the person or the person's immediate family. ''Immediate family'' has the meaning set forth in 18 U.S.C. 115(c)(2).

2. In determining whether subsections (b)(1), (b)(2), and (b)(3) apply, the court shall consider any conduct that occurred prior to or during the offense; however, conduct that occurred prior to the offense must be sufficiently, directly connected to the offense, under the facts of the case taken as a whole. For example, if a defendant engaged in several acts of mailing threatening letters to the same victim over a period of years, then for purposes of determining whether or not subsections (b)(1), (b)(2), and (b)(3) apply, the court shall consider each prior act of mailing threatening letters to the victim, and the conduct surrounding that act, but only if there is a sufficient, direct connection between the prior act and the offense.

For purposes of Chapter Three, Part D (Multiple Counts), multiple counts involving making a threatening or harassing communication to the same victim are grouped together under § 3D1.2 (Groups of Closely Related Counts). Multiple counts involving different victims are not to be grouped under § 3D1.2.

If the defendant was convicted of (A) [numerous][more than two] counts of making a threatening or harassing communication to the same victim, or (B) only one such count but the court determines that the offense involved [numerous][more than two] acts of making a threatening or harassing communication to the same victim, an upward departure may be warranted.

3. Prior convictions resulting in an enhancement under subsection (b)(2) or (b)(3) are also counted for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History).

4. The Commission recognizes that this offense includes a particularly wide range of conduct and that it is not possible to include all of the potentially relevant circumstances in the offense level. Factors not incorporated in the guideline may be considered by the court in determining whether a departure from the guidelines is warranted. See Chapter Five, Part K (Departures).

Background: ''These statutes cover a wide range of conduct, including harassing but nonthreatening phone calls and threats to a government official. Because of the wide range of conduct covered by these statutes, the appropriate offense level under this guideline largely depends upon the defendant's intent, the likelihood that the defendant would carry out a threat or injure the victim, and whether or not stalking or the violation of a court protection order was involved. The specific offense characteristics are intended to distinguish such cases.''.

Appendix A (Statutory Index) is amended by inserting the following at the appropriate place by title and section:

''18 U.S.C. § 2261A 2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3, 2A4.1, 2B1.3, 2B3.2, 2K1.4.''.

Option Two: Section 2A2.2(b) is amended by adding at the end the following:

''(5) If the offense involved the violation of a court protection order, increase by [2] levels.''.

Section 2A2.3(b) is amended by deleting ''Characteristic'' and inserting in lieu thereof ''Characteristics''; and by adding at the end the following:

''(2) If the offense involved the violation of a court protection order, increase by [2] levels.''.

Chapter Two, Part A, Subpart 6 is amended in the title by deleting ''Threatening Communications'' and inserting in lieu thereof ''Threatening or Harassing Communications and Stalking''.

Section 2A6.1 is deleted in its entirety and the following inserted in lieu thereof:

''§ 2A6.1. Threatening or Harassing Communications; Stalking.

(a) Base Offense Level: [12].

(b) Specific Offense Characteristics.

(1) If the defendant[, or another person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct),] committed [two or more] instances of stalking, or making a threatening communication to, the same victim, (or a combination of [two or more] instances of stalking, and making a threatening communication to, the same victim), increase by [2] levels.

(2) If the defendant[, or another person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct),] violated a court protection order, increase by [2] levels.

(3) If the defendant[, or another person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct),] engaged in any conduct evidencing an intent to carry out the threat made in a threatening communication or to cause bodily injury, increase by [6] levels.

(4) If subdivisions (1), (2), and (3) do not apply, and the offense involved (A) a single instance evidencing little or no deliberation, or (B) only harassing communication that did not involve a threatening communication or stalking, decrease by [4–8] levels.

(c) Cross Reference.

(1) If the offense involved conduct covered by another offense guideline from Chapter Two, Part A (Offenses Against the Person), apply that offense guideline, if the resulting offense level is greater than that determined above.

Commentary

Statutory Provisions: 18 U.S.C. 871, 876, 877, 878(a), 879, 2261A; 47 U.S.C. 223(a)(1)(C)–(E). For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. For purposes of this guideline—

''Bodily injury'' means any act, except one done in self defense, that results in physical injury or sexual abuse. See 18 U.S.C. 2266.

''Stalking'' means traveling with the intent to injure or harass another person and, in the course of, or as a result of, such travel, placing the person in reasonable fear of death or serious bodily injury to the person or the person's immediate family. See 18 U.S.C. 2261A. ''Immediate family'' has the meaning set forth in 18 U.S.C. 115(c)(2).

2. In determining whether subsections (b)(1), (b)(2), and (b)(3) apply, the court shall consider any conduct that occurred prior to or during the offense; however, conduct that occurred prior to the offense must be sufficiently, directly connected to the offense, under the facts of the case taken as a whole. For example, if a defendant engaged in several acts of stalking the same victim over a period of years, then for purposes of determining whether or not subsections (b)(1), (b)(2) and (b)(3) apply, the court shall consider each prior act of stalking the victim, and the conduct surrounding that act, but only if there is a sufficient, direct connection between the prior act and the offense.

For purposes of Chapter Three, Part D (Multiple Counts), multiple counts involving stalking of, or threatening or harassing communication to, the same victim are grouped together under § 3D1.2 (Groups of Closely Related Counts). Multiple counts involving different victims are not to be grouped under § 3D1.2.

If the defendant was convicted of (A) [numerous][more than two] counts of stalking or of threatening or harassing communications, or (B) only one such count but the court determines that the

offense involved [numerous][more than two] acts of stalking or threatening or harassing communications, an upward departure may be warranted.

3. Prior convictions resulting in an enhancement under subsection (b)(1) or (b)(2) are also counted for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History).

4. The Commission recognizes that this offense includes a particularly wide range of conduct and that it is not possible to include all of the potentially relevant circumstances in the offense level. Factors not incorporated in the guideline may be considered by the court in determining whether a departure from the guidelines is warranted. See Chapter Five, Part K (Departures).

Background: These statutes cover a wide range of conduct, including harassing but nonthreatening phone calls, threats to a government official, and repeated acts of stalking with intent to injure the victim. Because of the wide range of conduct covered by these statutes, the appropriate offense level under this guideline largely depends upon the defendant's intent, the likelihood that the defendant would carry out a threat or injure the victim, and whether or not the conduct is repetitive. The specific offense characteristics are intended to distinguish such cases.''.

Appendix A (Statutory Index) is amended in the item referenced to 18 U.S.C. 2262 by inserting ''2A6.1,'' after ''2A4.1,''; and by inserting the following at the appropriate place by title and section:

''18 U.S.C. 2261A 2A6.1

47 U.S.C. 223(a)(1)(C)–(E) 2A6.1''.

(B). Issues for Comment: The Commission requests comment on alternative ways to address the new federal stalking offense at 18 U.S.C. 2261A. For example, instead of incorporating the stalking offense into the threatening communications guideline (§ 2A6.1), as proposed above, should the Commission reference the stalking offense to the assault guidelines? If so, what changes, if any, are appropriate to make to the assault guidelines to adequately cover the stalking offense?

Currently, counts of conviction of offenses covered by § 2A6.1 are excluded from the application of § 3D1.2(d) but may be groupable under § 3D1.2(b). The Second and Eleventh Circuits, however, have held that such counts of conviction are not groupable under § 3D1.2(b) because the conduct covered by such counts inflicts distinct psychological harms upon the victim. See United States v. Miller, 993 F.2d 16 (2d Cir. 1993); United States v. Bonner, 85 F.3d 522 (11th Cir. 1996). The amendment proposed above adds an enhancement in subsection (b) for multiple incidents and expressly provides for grouping under § 3D1.2. The Commission requests comment on how multiple instances of stalking, threatening, or harassing the same victim should be treated under the guidelines.

The Commission also requests comment on whether, in determining the offense level under this guideline, the court should be able to take into account certain prior conduct ordinarily not considered to be part of the offense. Currently, there is a circuit conflict on whether or not conduct which occurred prior to the making of a threat can evidence an intent to carry out the threat for purposes of this guideline. Compare United States v. Hornick, 942 F.2d 105 (2d Cir. 1991) (''a person cannot take action that will constitute proof of his intent to carry out a threat until after the threat has been made'') with United States v. Gary, 18 F.3d 1123 (4th Cir. 1994) (''any acts that evidence an intent to carry out the threats on which a conviction is predicated, whether committed prior to or following such threats, may form the basis of the § 2A6.1(b) (1) adjustment''); United States v. Sullivan, 75 F.3d 297 (7th Cir. 1996); United States v. Hines, 26 F.3d 1469 (9th Cir. 1994); United States v. Taylor, 88 F.3d 938 (11th Cir. 1996) (''the essential inquiry for § 2A6.1(b)(1) is whether the facts of the case, taken as a whole, establish a sufficiently direct connection between the defendant's pre-threat conduct and his threat''). The amendment proposed above adds an application note to provide that conduct occurring prior to the offense is to be considered in determining the application of the guideline's enhancements if there is a sufficient, direct connection between that prior conduct and the offense.

The Commission further requests comment on whether the definition of aggravated assault in the commentary to § 2A2.2 should be amended to eliminate the requirement that intent to do bodily injury be present in an assault involving a dangerous weapon in order for that assault to be considered ''aggravated'', rather than ''minor'', under the guidelines.

Chapter Two, Parts B and F

7. Synopsis of Proposed Amendment: This amendment adds Commentary to §§ 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Receiving, Transporting, Transferring, Transmitting, or Possessing Stolen Property); 2B1.3 (Property Damage or Destruction); 2B2.3 (Trespass); 2B3.2 (Extortion by Force or Threat of Injury or Serious Damage); and 2F1.1 (Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States). Specific offense characteristics are added to §§ 2B1.1 and 2B2.3. Also, special instructions are added to §§ 2B1.3 and 2F1.1.

This amendment also addresses several new statutes including: 18 U.S.C. 1030(a)(7), which prohibits extortion by threats to damage or impair a non-public government computer or a computer of a financial institution (18 U.S.C. 1030(e)(2) (A) or (B)); 18 U.S.C. 1831, which prohibits ''economic espionage''; and 18 U.S.C. 1832, which prohibits theft of ''trade secrets'' as broadly defined at 18 U.S.C. 1839. Offenses under 18 U.S.C. 1030(a)(7) are referenced to the extortion guideline 2B3.2; offenses under 18 U.S.C. 1031 and 1832 are referenced to § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft).

A specific offense characteristic has been added to § 2B1.1 to increase offense levels for those defendants who misappropriate a trade secret with the knowledge that the information will benefit a foreign government. This behavior is ''economic espionage'' as proscribed by 18 U.S.C. 1831. Congress set a maximum sentence of 15 years for those convicted of ''economic espionage''. A maximum sentence of ten years was set forth for those convicted of ''theft of trade secrets''. The proposed 2-level increase for ''economic espionage'' is in recognition of Congress'' assessment that providing a victim's trade secrets to foreign interests is a more serious offense than providing that victim's trade secrets to a domestic competitor.

A specific offense characteristic has been added to § 2B2.3 which will increase the offense levels for those who trespass in a non-public database to the extent that the trespass creates financial loss as measured by the table in § 2B1.1.

Special instructions have been added to §§ 2B1.3 and 2F1.1 to the effect that the minimum guideline sentence for those convicted under 18 U.S.C. 1030(a)(4) and (5) is six months'' imprisonment. This has been done pursuant to Congress'' direction in the Antiterrorism and Effective Death Penalty Act of 1996.

Salient among the commentary changes is an addition to § 2B1.1, Application Note 2, which expands the definition of ''loss'' for unlawfully

accessing, or exceeding authorized access to, a ''protected computer'' as defined in 18 U.S.C. 1030(e)(2) (A) or (B). ''Loss'' in that context will now include ''the reasonable cost to the victim of conducting a damage assessment, restoring the system and data to their condition prior to the offense, and any lost revenue or costs incurred due to interruption of service.'' Upward departures are invited in § 2B1.1, Application Notes 15 and 16, where unauthorized access to a computer invades a substantial privacy interest or is in furtherance of a ''broader criminal purpose''.

Finally, this amendment changes the Statutory Index reference for computer crimes under 18 U.S.C. 1030(a)(2)(3) and (5) from the fraud guideline, § 2F1.1, to more appropriate subsections of Part B—Offenses Involving Property. These new references accommodate changes made to 18 U.S.C. 1030 by the National Information Infrastructure Protection Act of 1996.

Proposed Amendment: Section 2B1.1(b) is amended by inserting at the end the following new subdivision:

''(7) If the offense involved misappropriation of a trade secret and the defendant knew or intended that the offense would benefit any foreign government, foreign instrumentality, or foreign agent, increase by [2] levels.''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended in Note 1 by inserting as the second and third sentences the following:

'''Trade secret' is defined in 18 U.S.C. 1839(3). ''Foreign instrumentality'' and ''foreign agent'' are defined in 18 U.S.C. § 1839 (1) and (2), respectively.''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended in Note 2 by inserting after the fourth paragraph the following new paragraph:

''In an offense involving unlawfully accessing, or exceeding authorized access to, a 'protected computer' as defined in 18 U.S.C. 1030(e)(2) (A) or (B), ''loss'' includes the reasonable cost to the victim of conducting a damage assessment, restoring the system and data to their condition prior to the offense, and any lost revenue due to interruption of service.''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended by inserting at the end the following new notes:

''15. In cases where the loss determined under subsection (b)(1) does not fully capture the harmfulness of the conduct, an upward departure may be warranted. For example, the theft of personal information or writings (e.g., medical records, educational records, a diary) may involve a substantial invasion of a privacy interest that would not be addressed by the monetary loss provisions of subsection (b)(1).

16. In cases involving theft of information from a ''protected computer'', an upward departure may be warranted where the defendant sought the stolen information to further a broader criminal purpose.''.

Section 2B1.3 is amended by inserting after subsection (c) the following new subsection:

''(d) Special Instruction

''(1) If the defendant is convicted under 18 U.S.C. 1030(a)(5), the minimum guideline sentence, notwithstanding any other adjustment, shall be six months' imprisonment.''.

The Commentary to § 2B1.3 is amended by inserting at the end the following:

''Background: Subsection (d) implements the instruction to the Commission in section 805(c) of Public Law 104–132.''.

Section 2B2.3(b) is amended by inserting after subdivision (2) the following new subdivision:

''(3) If the offense involved invasion of a protected computer resulting in a loss exceeding [$2000], increase by the corresponding number of levels from the table in § 2F1.1.''.

The Commentary to § 2B2.3 captioned ''Application Note'' is amended in Note 1 by inserting ''For purposes of this guideline—'' before '''Firearm'''; and by inserting as the second paragraph the following:

'''Protected computer' means a computer described in 18 U.S.C. 1030(e)(2)(A) or (B).''.

The Commentary to § 2B2.3 captioned ''Application Note'' is amended by inserting the following additional note:

''2. Valuation of loss is discussed in the Commentary to § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft).''.

The Commentary to § 2B2.3 captioned ''Application Note'' is amended by deleting ''Note'' and inserting in lieu thereof ''Notes''.

The Commentary to § 2B3.2 captioned ''Background'' is amended by inserting the following sentence at the end:

''This guideline also applies to offenses under 18 U.S.C. 1030(a)(7) involving a threat to impair the operation of a 'protected computer.'''.

Section 2F1.1 is amended by inserting the following new subsection:

''(c) Special Instruction

(1) If the defendant is convicted under 18 U.S.C. 1030(a)(4), the minimum guideline sentence, notwithstanding any other adjustment, shall be six months' imprisonment.''.

The Commentary to § 2F1.1 captioned ''Background'' is amended by inserting as the last paragraph the following:

'' Subsection (c) implements the instruction to the Commission in section 805 (c) of Public Law 104–132.''.

Appendix A (Statutory Index) is amended by inserting, in the appropriate place by title and section, the following:

''18 U.S.C. 1831 2B1.1'';
''18 U.S.C. 1832 2B1.1'';
''18 U.S.C. 1030(a)(7) 2B3.2'';

In the line referenced to ''18 U.S.C. 1030(a)(2)'' by deleting ''2F1.1'' and inserting in lieu thereof ''2B1.1'';

In the line referenced to ''18 U.S.C. 1030(a)(3)'' by deleting ''2F1.1'' and inserting in lieu thereof ''2B2.3'';

In the line referenced to ''18 U.S.C. 1030(a)(5)'' by deleting ''2F1.1'' and inserting in lieu thereof ''2B1.3''.

8(A). Synopsis of Proposed Amendment: The Drug-Induced Rape Prevention Act of 1996 raises the penalty for offenses involving trafficking in flunitrazepam, a Schedule IV controlled substance, from a maximum of three years' imprisonment for any amount of the drug to 20 years' imprisonment for one gram of flunitrazepam and to not more than five years' imprisonment for 30 milligrams of flunitrazepam. The maximum sentence for importing and exporting offenses involving flunitrazepam is raised to twenty years' imprisonment regardless of weight.

The Act also instructs the Sentencing Commission to ''review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam'' and to ensure the guidelines reflect the serious nature of offenses involving flunitrazepam.

Under the revised statute, trafficking in precisely one gram of flunitrazepam will have a maximum penalty of 20 years' imprisonment and trafficking in precisely 30 milligrams of flunitrazepam will have a maximum of five years' imprisonment. Trafficking in any amount other than those specified will be governed by 21 U.S.C. 841(b)(1)(C)(2), which provides a maximum penalty for Schedule IV controlled substances of not more than three years' imprisonment.

The following proposed amendment assumes Congress meant to treat flunitrazepam in the trafficking statute as it did in the export/import statute (i.e., raise the maximum penalty from three to twenty years' imprisonment). Accordingly, this amendment treats flunitrazepam as a Schedule I and II depressant because Schedule I and II depressants also carry a maximum penalty of twenty years' imprisonment.

The offense levels are bracketed to indicate the possibility that the offense levels ultimately adopted for flunitrazepam may be higher than those indicated in this amendment.

The Act also raises the maximum sentence for simple possession of flunitrazepam from one year's imprisonment to three years. The new statute treats the simple possession of flunitrazepam as more serious than the simple possession of personal amounts of any other controlled substance, in that it establishes a three-year maximum sentence of imprisonment as compared to one year for all other controlled substances (except 5 or more grams of crack).

There are two options for addressing the increase in the maximum sentence for simple possession of flunitrazepam. Currently, flunitrazepam has a base offense level of 4. The first option is to treat flunitrazepam the same as the simple possession of other Schedule I and II depressants (as it is in the proposed trafficking guideline). This option would effect no change in the current guideline. The second option, as shown in the amendment below, is to change the base offense level for flunitrazepam from level 4 to level 8. This option raises the base offense level to the same base offense level as heroin, other Schedule I and II opiates, and cocaine base.

Proposed Amendment: Section 2D1.1(c) (10)–(17) is amended by inserting ‘‘, Flunitrazepam’’ immediately following ‘‘II Depressants’’ wherever it appears.

Section 2D1.1(c)(14)–(17) is amended by inserting ‘‘(except Flunitrazepam)’’ immediately following ‘‘Schedule IV substances’’ wherever it appears.

Section 2D1.1(c) is amended in the section titled ‘‘*Notes to the Drug Quantity Table’’ in Note (F) by inserting ‘‘or flunitrazepam’’ following ‘‘II Depressants’’, and by inserting ‘‘(except flunitrazepam)’’ following ‘‘IV substances’’.

The Commentary to § 2D1.1 captioned ‘‘Application Notes’’ is amended in Note 10 in the Drug Equivalency Tables in the subsection captioned ‘‘Schedule I or II Depressants**’’ by inserting ‘‘or Flunitrazepam’’ immediately following ‘‘or II Depressants’’; by inserting ‘‘or Flunitrazepam’’ immediately following ‘‘II Depressant’’; by inserting ‘‘, flunitrazepam’’ immediately following ‘‘or II depressants’’; and by inserting ‘‘(except flunitrazepam)’’ immediately following ‘‘IV substances’’.

The Commentary to § 2D1.1 captioned ‘‘Application Notes’’ is amended in Note 10 in the Drug Equivalency Tables in the subsection captioned ‘‘Schedule IV Substances**’’; by inserting ‘‘(except Flunitrazepam)’’ immediately following ‘‘IV Substances’’; by inserting ‘‘(except Flunitrazepam)’’ immediately following ‘‘IV Substance’’; and by inserting ‘‘(except flunitrazepam)’’ immediately following ‘‘Schedule IV’’.

Section 2D2.1(a)(1) is amended by deleting ‘‘or’’ before ‘‘cocaine’’ and by inserting ‘‘, or flunitrazepam’’ following ‘‘base’’.

(B). Issue for Comment: The Drug-Induced Rape Prevention and Punishment Act of 1996 included a section concerning ‘‘date rape’’ and related crimes. This section amends 21 U.S.C. 841(b) by adding:

Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

‘‘Without the individual's knowledge’’ is defined by the statute as meaning ‘‘that the individual is unaware that a substance with an ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.’’.

Currently, the guidelines cover the commission of violent offenses as well as attempts to commit these offenses; they do not have a general mechanism covering offenses committed with intent to commit another crime. Section 2A3.1 (Criminal Sexual Abuse) does not currently include intent but does have an enhancement for the use of controlled substances to commit criminal sexual abuse. Specifically, this guideline contains a 4-level enhancement above the base offense level of 27 for offenses committed by means listed in 18 U.S.C. 2241 (a) or (b), which includes the use of drugs or intoxicants to commit the offense.

The Commission solicits comment as to how offenses committed under this section of the Drug Induced Rape Prevention Act of 1996 should be included in the guidelines. Should the Commission treat these offenses as an attempt and reference them to the underlying crimes of violence? If these crimes are seen as something less than an attempt, how should the guidelines cover the offenses?

Chapter Two, Part D—Offenses Involving Drugs

9(A). Synopsis of Proposed Amendment: Section 101 of the Comprehensive Methamphetamine Control Act of 1996 adds listed chemicals to 21 U.S.C. 959. Section 959(a) makes it unlawful to manufacture or distribute a schedule I or II controlled substance intending or knowing that such substance will be unlawfully imported into the United States. Section 959(b) makes it unlawful for a United States citizen, or any person aboard an aircraft owned by a United States citizen or an aircraft registered in the United States, to manufacture, distribute, or possess with intent to distribute a controlled substance. The penalty for such an offense involving a listed chemical is a fine in accordance with title 18, United States Code, not more than ten years' imprisonment, or both. This amendment references these statutes in the Statutory Index to § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical).

Section 201 of the Act makes an addition to Title 21, United States Code (simple possession), which states:

It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person . . . if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration.

This amendment adds list I chemicals to § 2D2.1 (Unlawful Possession: Attempt or Conspiracy). This guideline contains a base offense level of eight for Schedule I and II opiates, their analogues, and cocaine base; a base offense level of 6 for cocaine PCP, and LSD; and a base offense level of 4 for all other controlled substances. This amendment includes list I chemicals with other controlled substances, thereby having a base offense level of four.

Section 209 of the Act makes several technical changes to 21 U.S.C. 802 by correcting the spelling for several precursors. The only correction for the guidelines is to correct the spelling of isosafrole, a list I chemical.

Proposed Amendment: Section 2D2.1(a)(3) is amended by inserting ‘‘or a list I chemical’’ after ‘‘other controlled substance’’.

Appendix A (Statutory Index) in the line referenced to ‘‘21 U.S.C. 959’’ is amended by inserting ‘‘, 2D1.11’’ following ‘‘2D1.1’’.

Appendix A (Statutory Index) is amended by inserting at the appropriate place by line and title the following:

‘‘21 U.S.C. 960(d)(7) 2D1.11’’.

(B). Issue for Comment: Section 203 amends 21 U.S.C. 843(d) to state that anyone who violates 21 U.S.C. 843(a) (6) or (7) (possession, manufacture or distribution of certain laboratory equipment) with the intent to manufacture or facilitate the manufacture of methamphetamine is subject to a term of imprisonment of up to ten years. The statute gives instructions to the Commission to amend the sentencing guidelines to ensure that violations of this section are treated as a significant violation.

Violations of 21 U.S.C. 843(a) (6) or (7) currently carry a maximum sentence of imprisonment of four years and cover knowing, intending, or having reasonable cause to believe the equipment will be used to manufacture a controlled substance. The guidelines provide a base offense level of 12 if the defendant intended to manufacture a controlled substance and 9 if the defendant had reasonable cause to believe the equipment would be used to manufacture a controlled substance. The level 12 was used to correspond to the lowest offense level for methamphetamine in the Drug Quantity Table and the lowest level of the Chemical Quantity Table. Additionally, the guideline contains a cross reference to § 2D1.1 if the offense involved the actual manufacture of a controlled substance.

The Commission requests comment on the proper offense level for possession of equipment (i.e., a round-bottomed three-necked flask, tableting machine, gelatin capsule, or any equipment, chemical, product, or material used to manufacture a controlled substance) to manufacture methamphetamine. Should there be an enhancement if the equipment is used to manufacture methamphetamine and, if so, how many levels?

10(A). Synopsis of Proposed Amendment: This multi-part amendment implements sections 301 and 303 of the Comprehensive Methamphetamine Control Act of 1996. Among other things, the Act generally instructs the Commission to increase the penalties for unlawful manufacturing, importing, exporting and trafficking of methamphetamine. This amendment is in four parts, followed by a fifth part requesting comment.

Part A of this amendment directly increases the penalties for methamphetamine by reducing by one-half the quantity at each offense level found in the Drug Quantity Table at § 2D1.1(c). This proposal has the same effect on methamphetamine guideline penalties that would have occurred if Congress had passed legislation to reduce by half the quantities to trigger the mandatory minimum penalties under 21 U.S.C. 841.

For example, offense level 26, which is equivalent to the five-year mandatory minimum sentence, is currently applied when the amount of methamphetamine (actual) falls between 10 and 40 grams, or the amount of methamphetamine mixture is between 100 and 400 grams. The amendment reduces the amounts in question by one-half, to 5 to 20 grams for methamphetamine (actual) and 50 to 200 grams for methamphetamine mixture. A corresponding change is made at level 32, which is equivalent to the ten-year mandatory minimum sentence. Other offense levels have been changed to conform with these changes.

In addition, a conforming change is made to the drug equivalency tables, doubling the amount of marijuana to be used in multi-drug crimes involving methamphetamine, methamphetamine (actual), and ''ice.''

Finally, Note ''(B)'' following the Drug Quantity Table is rewritten to emphasize that the offense level for methamphetamine (or PCP) mixtures is to be determined by the quantity (weight) of the actual controlled substance in the mixture whenever the purity can be determined and exceeds 10 percent.

Part B of this amendment proposes, either as an alternative or an addition to Part A, changes in the guidelines directed to the importation of methamphetamine and precursor chemicals. These changes would add a new specific offense characteristic for the unlawful importation of methamphetamine or its precursor drugs. Multiple options regarding the formulation of this enhancement are presented. Accompanying commentary would indicate that this new adjustment is not to be applied in addition to the enhancement available under § 2D1.1(b)(2), which also relates to importation. A third option proposes an alternative approach of an invited upward departure if the offense involved importation of methamphetamine or listed chemicals.

Part C of this amendment proposes, either as an alternative or an addition to Part A, changes in the guidelines to address environmental damage associated with the manufacture of methamphetamine. This proposed amendment adds environmental damage as a ground for either a specific offense characteristic enhancement (Option 1) or an invited upward departure (Option 2) to §§ 2D1.1, 2D1.11, 2D1.12, and 2D1.13.

Congress specifically asked the Commission to address the adequacy of penalties for violations of environmental laws which are covered by guidelines §§ 2D1.11, 2D1.12, and 2D1.13. Although the drug trafficking guideline was not specifically addressed in this directive, it is reasonable for the Commission to consider similar means of addressing adverse environmental impact in guideline § 2D1.1. As a result, these changes would also affect sentencing under that guideline.

Part D of this amendment proposes, either as an alternative or an addition to Part A, changes to the guidelines which would add provisions relating to the use of a special skill in the manufacture of controlled substances. The amendments would add language to § 2D1.1 (comment. n. 8) indicating that persons involved in the illegal manufacture of controlled substances may be subject to an enhancement under § 3B1.3 (Abuse of Position of Trust or Use of a Special Skill). It also offers, as an option, eliminating language in existing guideline § 3B1.3 that currently prohibits the Special Skill enhancement from being applied cumulatively with an enhancement for Aggravating Role. This change is not limited to methamphetamine cases, but would apply to all affected cases.

Part E is a section requesting comment on specific issues. First, the section requests comment on other aggravating factors which distinguish methamphetamine offenses and which should be included in the guidelines. Second, the section requests comment on how the proposed aggravating factors (Parts B through D) might be coupled with lesser penalty increases in Part A. Third, comment is requested on whether changes in methamphetamine penalties as proposed in Part A should lead to further changes in the Chemical Quantity Table in § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy). (In this regard, it should be noted that the Commission has promulgated, effective May 1, 1997, an emergency amendment that generally increases the offense levels in the Chemical Quantity Table by two levels. This amendment responds to the congressional directive in section 302 of the Comprehensive Methamphetamine Control Act of 1996).

Part A

Proposed Amendment: Section 2D1.1(c)(1) is amended by deleting:

''30 KG or more of Methamphetamine, or 3 KG or more of Methamphetamine (actual), or 3 KG or more of 'Ice' '',

and inserting in lieu thereof:

''15 KG or more of Methamphetamine, or 1.5 KG or more of Methamphetamine (actual), or 1.5 KG or more of 'Ice' ''.

Section 2D1.1(c)(2) is amended by deleting:

''At least 10 KG but less than 30 KG of Methamphetamine, or at least 1 KG but less than 3 KG of Methamphetamine (actual), or at least 1 KG but less than 3 KG of 'Ice' '',

and inserting in lieu thereof:

''At least 5 KG but less than 15 KG of Methamphetamine, or at least .5 KG but less than 1.5 KG of Methamphetamine (actual), or at least .5 KG but less than 1.5 KG of 'Ice' ''.

Section 2D1.1(c)(3) is amended by deleting:

''At least 3 KG but less than 10 KG of Methamphetamine, or at least 300 G but less than 1 KG of Methamphetamine (actual), or at least 300 G but less than 1 KG of 'Ice' '',

and inserting in lieu thereof:

''At least 1.5 KG but less than 5 KG of Methamphetamine, or at least 150 G but less than 500 G of Methamphetamine (actual), or at least 150 G but less than 500 G of 'Ice' ''.

Section 2D1.1(c)(4) is amended by deleting:

''At least 1 KG but less than 3 KG of Methamphetamine, or at least 100 G but less than 300 G of Methamphetamine (actual), or at least 100 G but less than 300 G of 'Ice' '',

and inserting in lieu thereof:

''At least 500 G but less than 1.5 KG of Methamphetamine, or at least 50 G but less than 150 G of Methamphetamine (actual), or at least 50 G but less than 150 G of 'Ice' ''.

Section 2D1.1(c)(5) is amended by deleting:

''At least 700 G but less than 1 KG of Methamphetamine, or at least 70 G but less than 100 G of Methamphetamine (actual), or at least 70 G but less than 100 G of 'Ice' '',

and inserting in lieu thereof:

''At least 350 G but less than 500 G of Methamphetamine, or at least 35 G but less than 50 G of Methamphetamine (actual), or at least 35 G but less than 50 G of 'Ice' ''.

Section 2D1.1(c)(6) is amended by deleting:

''At least 400 G but less than 700 G of Methamphetamine, or at least 40 G but less than 70 G of Methamphetamine (actual), or at least 40 G but less than 70 G of 'Ice' '',

and inserting in lieu thereof:

''At least 200 G but less than 350 G or Methamphetamine, or at least 20 G but less than 35 G of Methamphetamine (actual), or at least 20 G but less than 35 G of 'Ice' ''.

Section 2D1.1(c)(7) is amended by deleting:

''At least 100 G but less than 400 G of Methamphetamine, or at least 10 G but less than 40 G of Methamphetamine (actual), or at least 10 G but less than 40 G of 'Ice' '',

and inserting in lieu thereof:

''At least 50 G but less than 200 G of Methamphetamine, or at least 5 G but less than 20 G of Methamphetamine (actual), or at least 5 G but less than 20 G of 'Ice' ''.

Section 2D1.1(c)(8) is amended by deleting:

''At least 80 G but less than 100 G of Methamphetamine, or at least 8 G but less than 10 G of Methamphetamine (actual), or at least 8 G but less than 10 G of 'Ice' '',

and inserting in lieu thereof:

''At least 40 G but less than 50 G of Methamphetamine, or at least 4 G but less than 5 G of Methamphetamine (actual), or at least 4 G but less than 5 G of 'Ice' ''.

Section 2D1.1(c)(9) is amended by deleting:

''At least 60 G but less than 80 G of Methamphetamine, or at least 6 G but less than 8 G of Methamphetamine (actual), or at least 6 G but less than 8 G of 'Ice' '',

and inserting in lieu thereof:

''At least 30 G but less than 40 G of Methamphetamine, or at least 3 G but less than 4 G of Methamphetamine (actual), or at least 3 G but less than 4 G of 'Ice' ''.

Section 2D1.1(c)(10) is amended by deleting:

''At least 40 G but less than 60 G of Methamphetamine, or at least 4 G but less than 6 G of Methamphetamine (actual), or at least 4 G but less than 6 G of 'Ice' '',

and inserting in lieu thereof:

''At least 20 G but less than 30 G of Methamphetamine, or at least 2 G but less than 3 G of Methamphetamine (actual), or at least 2 G but less than 3 G of 'Ice' ''.

Section 2D1.1(c)(11) is amended by deleting:

''At least 20 G but less than 40 G of Methamphetamine, or at least 2 G but less than 4 G of Methamphetamine (actual), or at least 2 G but less than 4 G of 'Ice' '',

and inserting in lieu thereof:

''At least 10 G but less than 20 G of Methamphetamine, or at least 1 G but less than 2 G of Methamphetamine (actual), or at least 1 G but less than 2 G of 'Ice' ''.

Section 2D1.1(c)(12) is amended by deleting:

''At least 10 G but less than 20 G of Methamphetamine, or at least 1 G but less than 2 G of Methamphetamine (actual), or at least 1 G but less than 2 G of 'Ice' '',

and inserting in lieu thereof:

''At least 5 G but less than 10 G Methamphetamine, or at least 500 MG but less than 1 G of Methamphetamine (actual), or at least 500 MG but less than 1 G of 'Ice' ''.

Section 2D1.1(c)(13) is amended by deleting:

''At least 5 G but less than 10 G of Methamphetamine, or at least 500 MG but less than 1 G of Methamphetamine (actual), or at least 500 MG but less than 1 G of 'Ice' '',

and inserting in lieu thereof:

''Less than 5 G of Methamphetamine, or less than 500 MG Methamphetamine (actual), or less than 500 MG of 'Ice' ''.

Section 2D1.1(c)(14) is amended by deleting:

''Less than 5 G of Methamphetamine, or less than 500 MG of Methamphetamine (actual), or less than 500 MG of 'Ice' ''.

Section 2D1.1(c) is amended in the notes following the Drug Quantity Table by deleting the last sentence in Note B and inserting in lieu thereof the following:

''In the case of a mixture or substance containing PCP or methamphetamine, if the purity of the mixture or substance can be determined and exceeds 10 percent, then the weight of the actual controlled substance in the mixture shall be used to determine the offense level. In any other case involving a mixture or substance containing PCP or methamphetamine, use the weight of the mixture containing PCP or methamphetamine to determine the offense level.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 10(d) in the Drug Equivalency Tables in the subdivision captioned ''Cocaine and Other Schedules I and II Stimulants (and their immediate precursors)'' by deleting:

''1 gm of Methamphetamine =	1 kg of marihuana
1 gm of Methamphetamine (Actual) =	10 kg of marihuana
1 gm of 'Ice' = ...	10 kg of marihuana'',

and inserting in lieu thereof:

''1 gm of Methamphetamine =	2 kg of marihuana
1 gm of Methamphetamine (actual) =	20 kg of marihuana
1 gm of 'Ice' = ...	20 kg of marihuana''.

Part B

Section 2D1.1(b) is amended by renumbering subdivision (4) as subdivision (5); and by inserting after subdivision (3) the following new subdivision (4):

[Option 1: ''(4) If the offense involved the importation of methamphetamine, or the manufacture of methamphetamine from listed chemicals that the defendant knew were imported unlawfully, increase by [2] levels.'']

[Option 2: ''(4) If (A) the offense involved the importation of methamphetamine [or the manufacture of methamphetamine from listed chemicals that the defendant knew were imported unlawfully,] and (B) the defendant [is subject to an adjustment under § 3B1.1 (Aggravating Role)][is not subjected to an adjustment under § 3B1.2 (Mitigating Role)], increase by 2 levels.]''.

[Both Options: The Commentary to § 2D1.1 captioned ''Application Notes'' is amended by inserting the following additional note:

''19. If the offense involved importation of methamphetamine, and an adjustment from subsection (b)(2) applies, do not apply subsection (b)(4).'']

[Option 3: The Commentary to § 2D1.1 captioned ''Application Notes'' is amended by inserting the following additional note:

''19. If the offense involved the unlawful importation of methamphetamine, or the manufacture of methamphetamine from listed chemicals that the defendant knew were imported unlawfully, an upward departure may be warranted [, particularly if the defendant had an aggravating role in the offense under § 3B1.1 (Aggravating Role)].'']

Part C

[Option 1: Section 2D1.1(b) is amended renumbering subsection (4) as subsection (5) and by inserting the following as the new subsection (4):

''(4) If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, increase by [2–6] levels.''.]

[Option 2: The Commentary to § 2D1.1 captioned ''Application Notes'' is amended by inserting the following additional note:

''19. If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, an upward departure may be warranted.'']

[Option 1: Section 2D1.11(b) is amended by adding the following new subdivision:

''(3) If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, increase by [2–6] levels.'']

[Option 2: The Commentary to § 2D1.11 captioned ''Application Notes'' is amended by inserting the following new note:

''8. If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, an upward departure may be warranted.'']

[Option 1: Section 2D1.12 is amended by renumbering subsection (b) as (c) and by inserting the following new subsection:

''(b) Specific Offense Characteristic

(1) If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, increase by [2–6] levels.'']

The Commentary to § 2D1.12 captioned ''Application Notes'' is amended by inserting the following new note:

''3. If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, an upward departure may be warranted.'']

[Option 1: Section 2D1.13 is amended by inserting the following new subsection:

''(b) Specific Offense Characteristic

(1) If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, increase by [2–6] levels.'']

[Option 2: The Commentary to § 2D1.13 captioned ''Application Note'' is amended by deleting ''Note'' and inserting in lieu thereof ''Notes'' and by inserting the following new note:

''2. If the offense involved a discharge or emission into the environment of a hazardous or toxic substance or created a substantial risk of environmental harm, an upward departure may be warranted.'']

Part D

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in the second sentence of Note 8 by inserting ''and other persons with highly developed skills'' immediately following ''professionals'' and by inserting ''manufacturing and'' immediately following ''drug''; in the third sentence by deleting ''professionals'' and inserting in lieu thereof ''persons'' and by inserting '' 'cooks' (depending on the level of skill and sophistication),'' immediately before ''accountants''.

Section 3B1.3 is amended by deleting the third sentence.

The Commentary to 3B1.3 captioned ''Application Notes'' is amended in Note 2 by inserting the following as the last sentence:

''Depending on their level of skill and sophistication, persons involved in the manufacture of methamphetamine or other controlled substances, including individuals described as ''cooks,'' may be subject to this enhancement.''.

Part E

Issue for Comment: The Sentencing Commission requests comment on the following issues related to the above amendments:

(a) The existence of other aggravating factors which distinguish methamphetamine offenses and should be recognized as such under the guidelines; and

(b) Whether and how the proposed aggravating factors listed in Parts B through D, and any other factors that meaningfully distinguish methamphetamine cases, might be combined with quantity-related increases in punishment of lesser magnitude than those proposed in Part A.

(c) If the changes in Part A are made, conforming changes to 2D1.11 may be necessary. The Commission invites comment on how the offense levels in the chemical Quantity Table should be changed to reflect the changes in the Drug Quantity Table.

11. Synopsis of Proposed Amendment: This amendment makes Appendix A (Statutory Index) more comprehensive based on newly enacted legislation described below.

(A) Health Insurance Portability and Accountability Act of 1996

1. Section 242 creates a new crime at 18 U.S.C. 1347, with a maximum penalty of 10 years imprisonment, for schemes to defraud or to obtain funds by false pretenses from any health care benefit program. Penalties increase to 20 years or life imprisonment, respectively, if ''serious bodily injury'' or death results from the violation. Because this new offense involves fraud, it is recommended that 18 U.S.C.1347 be referenced to § 2F1.1 (Fraud and Deceit).

2. Section 243 creates a new crime at 18 U.S.C. 669 for the theft, embezzlement, or intentional misapplication of the funds, property, or assets of a health care benefit program. The maximum penalty is 10 years imprisonment, but the statutory maximum drops to 1 year if the value of the property involved is less than $100. Because this new offense involves fraud, it is recommended that 18 U.S.C.

669 be referenced to § 2F1.1 (Fraud and Deceit).

3. Section 244 creates a new crime at 18 U.S.C. 1035 for false statements relating to health care matters, with a maximum penalty of 5 years' imprisonment. Because this new offense involves fraud, it is recommended that 18 U.S.C. 1035 be referenced to § 2F1.1.

4. Section 245 creates a new crime at 18 U.S.C. 1518 for obstruction of a criminal investigation of a health care offense, with a maximum penalty of 5 years' imprisonment. Because this new offense involves obstruction of justice, it is recommended that 18 U.S.C. 1518 be referenced to § 2J1.2 (Obstruction of Justice).

(B) Omnibus Consolidated Appropriations for Fiscal Year 1997

1. Section 648 reclassifies as Class B felonies the counterfeit offenses at 18 U.S.C. 474 (Plates or stones for counterfeiting obligations or securities) and 474A (Deterrents to counterfeiting of obligations and securities) (previously Class C felonies), which effectively increases the statutory maximum penalties for these offenses from 12 years to 25 years. The effective date is the date of enactment. The legislation does not contain any directions to the Commission regarding the drafting of sentencing guidelines. Appendix A references violations of § 474 to § 2B5.1 (Offenses Involving Counterfeit Bearer Obligations of the United States) and § 2F1.1 (Fraud); Appendix A does not currently reference violations of § 474A. It is recommended that 18 U.S.C. 474A be referenced to § 2B5.1.

2. Section 648 creates a new crime at 18 U.S.C. 514 for offenses involving fictitious obligations. This new provision, classified as a Class B felony, prohibits the production and transfer, with the intent to defraud, of any false or fictitious instrument, document or other item representing through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization. Section 514 also prohibits the use of the mails, wire, radio or other electronic communication to move the false instruments through interstate or foreign commerce. Section 514 covers attempts and imposes the same penalties on attempts as the completed substantive offense. The effective date is the date of enactment. The legislation does not contain any directions to the Commission regarding the drafting of sentencing guidelines.

The Financial Crimes Unit of the U.S. Secret Service explained that this legislation stems from the criminal activity of groups like the Freeman of Montana; these groups manufacture ''bogus'' financial instruments that are transferred as if the instruments were real. As opposed to a ''counterfeit'' item, which purports to be genuine but is not because it has been falsely made or manufactured in its entirety, a ''fictitious obligation'' is an instrument that cannot be genuine because the instrument is entirely ''made-up'' or ''invented''. The counterfeiting statutes do not cover manufacturing of fictitious instruments because such conduct does not involve the counterfeiting of any existing financial obligation or instrument.

The amendment below references 18 U.S.C. 514 to § 2F1.1 (Fraud and Deceit). The conduct involved seems more like fraud than counterfeiting because (1) the manufactured obligation is an entirely phony instrument and not a copy of a legitimate type of financial instrument; and (2) this conduct does not seem to raise the public policy interest in protecting the integrity of government obligations that counterfeiting offenses raise because the United States has no obligation to pay on a ''bogus'' type of financial instrument. Further, § 514 includes conduct comprising mail and wire fraud. The Commission can monitor the types of financial instruments involved in § 514 offenses to determine whether a reference to the counterfeiting guideline (§ 2B5.1) is also necessary.

Proposed Amendment: Appendix A (Statutory Index) is amended by inserting the following at the appropriate place by title and section:

''18 U.S.C. 474A 2B5.1'';
''18 U.S.C. 514 2F1.1'';
''18 U.S.C. 669 2F1.1'';
''18 U.S.C. 1035 2F1.1'';
''18 U.S.C. 1347 2F1.1'';
''18 U.S.C. 1518 2J1.2''.

Fraud, Theft, and Tax Offenses—Chapter Two, Parts B, C, and Q (Addendum to Proposed Amendment #18 in the Guideline Amendments for Public Comment—Part I, 62 FR 151, Dated January 2, 1997)

12. Synopsis of Proposed Amendment: (A) Generally conforms the loss enhancements to those proposed in Amendment #18, and (B) proposes a one level increase in the base offense level of each of these guidelines. These latter changes are designed to avoid any unintended decreases in offense level of the cases sentenced under these guidelines that may result from the adoption of Amendment #18.

Each of the guidelines affected by this amendment has a specific offense characteristic that references the loss table in § 2F1.1. For example, § 2B3.3 (Blackmail and Similar Forms of Extortion) has a specific offense characteristic that provides that ''If the greater of the amount obtained or demanded exceeded $2,000,'' the offense level should be increased ''by the corresponding number of levels from the table in § 2F1.1.'' Among other provisions, options one and three of Amendment #18 would increase the amount of loss required to trigger the first increase for loss from $2,000 to $5,000. Consequently, options one and three, if adopted, would produce a one-level reduction compared to the current guideline for those cases sentenced under each of the guidelines listed in this amendment if the loss amount was between $2,000 and $5,000. Because of the nature of the loss table proposed in option two (the first trigger of an increase for loss remains at $2,000), if that option is adopted the conforming changes in this amendment would be unnecessary.

It should be noted that, because these guidelines listed in this amendment do not have an enhancement for more-than-minimal planning so they would be affected in a more complex way by Amendment #18 than guidelines that currently have that enhancement. The package of proposals in Amendment #18 would eliminate the two-level enhancement for more-than-minimal planning from guidelines where it currently exists, build that two-level increase into the loss table, and add a new enhancement for ''sophisticated means.'' Amendment #18 also proposes significant increases for loss amounts near the top of the table. Because the guidelines listed in this amendment reference the loss table, the changes to the loss tables proposed by Amendment #18 would cause increases to offense levels for cases sentenced under these guidelines (under options one and three, for loss amounts over $5,000; under option two, loss over $2,000). Moreover, any resulting increases in offense levels for cases sentenced under the guidelines will not be offset—even partially—by the elimination of the enhancement for more-than-minimal planning.

Proposed Amendment: Section 2B3.3(a) is amended by deleting ''9'' and inserting in lieu thereof ''10''.

Section 2B3.3(b)(1) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2B4.1(a) is amended by deleting ''8'' and inserting in lieu thereof ''9''.

Section 2B4.1(b)(1) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2B5.1(a) is amended by deleting ''9'' and inserting in lieu thereof ''10''.

Section 2B5.1(b)(1) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2B5.3(a) is amended by deleting ''6'' and inserting in lieu thereof ''7''.

Section 2B5.3(b)(1) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2B6.1(a) is amended by deleting ''8'' and inserting in lieu thereof ''9''.

Section 2B6.1(b)(1) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2C1.1(a) is amended by deleting ''10'' and inserting in lieu thereof ''11''.

Section 2C1.1(b)(2)(A) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2C1.2(a) is amended by deleting ''7'' and inserting in lieu thereof ''8''.

Section 2C1.2(b)(2)(A) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2C1.6(a) is amended by deleting ''7'' and inserting in lieu thereof ''8''.

Section 2C1.6(b)(1) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2C1.7(a) is amended by deleting ''10'' and inserting in lieu thereof ''11''.

Section 2C1.7(b)(1)(A) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2Q2.1(a) is amended by deleting ''6'' and inserting in lieu thereof ''7''.

Section 2Q2.1(b)(3)(A) is amended by deleting ''$2,000'' and inserting in lieu thereof ''$5,000''.

Section 2B4.1 (Bribery in Procurement of Bank Loan and Other Commercial Bribery)(Addendum to Proposed Amendment #12 in the Guideline Amendments for Public Comment—Part I, 62 FR 151, Dated January 2, 1997)

13. Synopsis of Proposed Amendment: In the January 2, 1997 Federal Register notice, the Commission published an amendment to § 2B1.1(b)(6)(B) and § 2F1.1(b)(6)(B). That amendment (amendment 12) addresses the difficulty in interpreting the meaning of ''affected a financial institution and the defendant derived more than $1,000,000 in gross receipts from the offense.'' This amendment makes conforming changes to § 2B4.1 (Bribery in Procurement of Bank Loan and Other Commercial Bribery), which also contains an enhancement to cover instances when the defendant's conduct ''affected a financial institution and the defendant derived more than $1,000,000 in gross receipts from the offense.''

Section 2B4.1 is amended in subsection (b)(2) by deleting ''—'' immediately following ''offense''; by deleting ''(A)''; by deleting ''; or'' immediately following ''institution''and inserting in lieu thereof '',''; by deleting subsection (b)(2)(B) in its entirety; and by inserting the following additional subsection:

''(3) If (A) obtaining or retaining the gross receipts of one or more financial institutions was an object of the offense, (B) the defendant derived more than $1,000,000 in gross receipts from such institutions, and (C) the offense level as determined above is less than level 24, increase to level 24.''.

The Commentary to § 2B4.1 captioned ''Application Notes'' is amended in the first sentence of Note 5 by deleting ''from the offense'' immediately following ''receipts''; by deleting ''(2)(B)'' and inserting in lieu thereof ''(3)''; by deleting ''generally''; by deleting the second sentence in its entirety; and by deleting ''See 18 U.S.C. 982(a)(4).''; and by inserting the following as the first sentence:

''For purposes of subsection (b)(3), 'gross receipts' means any moneys, funds, credits, assets, securities, or other real or personal property, whether tangible or intangible, owned by, or under the custody or control of, a financial institution, that are obtained directly or indirectly as a result of such offense. See 18 U.S.C. 982(a)(4), 1344.''.

The Commentary to § 2B4.1 captioned ''Background'' is amended in the seventh paragraph by deleting ''Subsection'' and inserting in lieu thereof ''Subsections''; by deleting ''(A)'' and inserting in lieu thereof ''and (b)(3)''; by deleting ''implements'' and inserting in lieu thereof ''implement''; by deleting ''instruction'' and inserting in lieu thereof ''instructions''; and by inserting ''and section 2507 of Public Law 101–647, respectively'' immediately following ''101–73''.

The Commentary to § 2B4.1 captioned ''Background'' is amended by deleting the last paragraph in its entirety.

[FR Doc. 97–4565 Filed 2–24–97; 8:45 am]

BILLING CODE 2210–40–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendation

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before April 28, 1997.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S. W., Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''Request From Borrower''.

Type of Request: Extension of a Currently Approved Collection.

Form No.: SBA Form 770.

Description of Respondents: Recipients of SBA Loans.

Annual Responses: 161,000.

Annual Burden: 281,750.

Comments: Send all comments regarding this information collection to Annie McCluney, Program Analyst, Office of Borrower and Lender Servicing, Small Business Administration, 409 3rd Street, S. W., Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–7545. Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Survey on the Effects of Bank Mergers and Acquisitions on Small Business Lending in the United States'.

Type of Request: Extension of Currently Approved Collections.

Form No.: SBA Form 1981.

Description of Respondents: Banks Involved in Mergers or Acquisitions.

Annual Responses: 235.

Annual Burden: 117.

Comments: Send all comments regarding this information collection to Charles Ou, Office of Advocacy, Small Business Administration, 409 3rd Street, S.W., Suite 7800 Washington, D.C. 20416. Phone No. 202–205–6966.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 97–4532 Filed 2–24–97; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Advisory Committee for Trade Policy and Negotiations (ACTPN)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee for Trade Policy and Negotiations (ACTPN) will hold a meeting on March 6, 1997 from 10:00 a.m. to 2:00 p.m. The meeting will be open to the public from 1:30 p.m. to 2:00 p.m.

DATES: The meeting is scheduled for Marcy 6, 1997, unless otherwise notified.

ADDRESS: The meeting will be held at the Sheraton Carlton Hotel in the Chandelier Room, located at 16th and K Streets, Washington, D.C., unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Suzanna Kang, Office of the United States Trade Representative, 600 17th St. N.W., Washington, D.C. 20508, (202) 395–6120.

SUPPLEMENTARY INFORMATION: The ACTPN will hold a meeting on March 6, 1997 from 10:00 a.m. to 2:00 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code and Executive Order 11846 of March 27, 1975, the Office of the U.S. Trade Representative has determined that part of this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. During the discussion of such matters, the meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. The meeting will be open to the public and press from 1:30 p.m. to 2:00 p.m. when other trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

Charlene Barshefsky,

United States Trade Representative—Designate.

[FR Doc. 97–4594 Filed 2–24–97; 8:45 am]

BILLING CODE 3190–01–M

Trade Policy Staff Committee; Public Comments on the Accessions of Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu to the World Trade Organization (WTO), and on U.S. Participation in Negotiations for the Terms of Those Accessions

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) is requesting written public comments concerning U.S. commercial interests and other issues related to the accessions of Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu to the WTO. Public comments should include, but not be limited to, information concerning those countries' current trade policies and practices which affect (A) market access for U.S. exports, e.g., tariffs, non-tariff measures; (B) trade and investment in services, (C) other aspects of the trade regime affecting U.S. trade interests subject to WTO provisions, and (D) conditions or practices that impair the ability of WTO provisions to be applied on a reciprocal basis in these countries' trade regimes. Comments received will be considered in developing U.S. positions and objectives for the multilateral and bilateral negotiations that will determine the terms of WTO accession for Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu to the World Trade Organization.

DATES: Public comments are due by noon on Friday, March 28, 1997.

ADDRESSES: Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Barbara Chattin, Director for Tariff Negotiations (202–395–5097), Peter Collins, Deputy Assistant USTR for Services and Investment (202–395–7271) or Cecilia Leahy Klein, Director for WTO Accessions (202–395–9437), Office of the U.S. Trade Representative.

SUPPLEMENTARY INFORMATION: The Chairman of the Trade Policy Staff Committee invites written comments from the public on market access and other issues to be addressed in the course of negotiations with Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu to the WTO. Each of these countries have already tabled the documentation necessary to begin the process of accession. Jordan and Vanuatu have already completed their first working party meetings, and first working party meetings are scheduled during the first half of 1997 for Algeria, Kazakstan, Kyrgyz Republic, Moldova, Oman, and Seychelles. The terms of WTO membership for these countries will be negotiated with WTO Members bilaterally and in meetings of the Working Parties established by the Members of the WTO to conduct negotiations.

All comments received will be considered in developing U.S. positions and objectives for participation in these negotiations, which will establish schedules of commitments and concessions in the areas of agriculture, industrial goods, and trade and investment in services, and will develop elements of the protocols of accession for Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu to the WTO.

The Committee is seeking public comments on the possible affect on U.S. trade of the accessions of Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu to the WTO, with reference to tariffs applied to imports and any other trade measures currently applied by those countries that could be subject to the provisions of the WTO; particularly market access issues for goods and services, or practices that could affect the competitiveness of U.S. goods and services in those markets. Issues of interest to the TPSC include, but are not limited to: (a) Comments on possible tariff reductions and the removal of border measures such as quotas or import licensing requirements; (b) uniform application of the trading system and access to the right to trade; (c) the provision of national treatment and nondiscriminatory treatment for imports, especially in the area of domestic taxation; (d) transparency in application of trade laws and regulations; (e) right of appeal in cases involving application of trade laws and other laws relating to WTO provisions, such as protection and enforcement of

intellectual property rights (IPR) and services; (f) customs processing issues; such as document certification prior to export, fees, customs valuation, and certification requirements; (g) industrial export and domestic subsidies; (h) agricultural export subsidies and domestic supports and incentives; (i) safeguard and unfair trade practice procedures applied to imports; (j) plant, animal, and human health and safety requirements; (k) requirements for and restrictions on the right to import and export goods; (l) technical barriers to trade; (m) utilization of preshipment inspection services; (n) activities of state trading enterprises, including restrictions and other trade-distorting practices made effective through state trading; (o) price controls and policies; (p) foreign exchange controls that act as barriers to trade and investment; (q) membership in preferential trade arrangements, free trade arrangements, or customs unions; (r) government procurement practices; (s) policies concerning trade in civil aircraft; (t) the trade-related aspects of investment policies; and (u) the protection and enforcement of intellectual property. Market access issues for services include, but are not limited to, the right of establishment for U.S. services providers, the right to purchase services abroad, the ability to provide services on a cross-border basis, and the ability of persons to enter temporarily to provide services.

Information on products or practices subject to these negotiations should include, whenever appropriate, the import or export tariff classification number used by Algeria, Jordan, Kazakstan, Kyrgyz Republic, Moldova, Oman, Seychelles and Vanuatu for the product concerned.

WRITTEN COMMENTS: All written comments should be addressed to: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street N.W., Room 501, Washington, D.C. 20508.

All submissions must be in English and should conform to the information requirements of 15 CFR 2003.

A party must provide ten copies of its submission which must be received at USTR no later than noon, Friday, March 28, 1997. If the submission contains business confidential information, ten copies of a non-confidential version must also be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''confidential'' at the top and bottom of the cover page (or letter) and of each succeeding page of the submission. The version does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

Written comments submitted in connection with this request, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection shortly after the filing deadline. Inspection is by appointment only with the staff of the USTR Public Reading Room and can be arranged by calling (202) 395–6186.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 97–4645 Filed 2–24–97; 8:45 am]

BILLING CODE 3190–01–M

Trade Policy Staff Committee; Public Comments on the Accession of Vietnam to the World Trade Organization (WTO), and on U.S. Participation in Negotiations for the Terms of Those Accessions

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) is requesting written public comments concerning U.S. commercial interests and other issues related to the accession of Vietnam to the WTO. Public comments should include, but not be limited to, information concerning that country's current trade policies and practices which affect (A) market access for U.S. exports, e.g., tariffs, non-tariff measures; (B) trade and investment in services, (C) other aspects of its trade regime affecting U.S. trade interests subject to WTO provisions, and (D) conditions or practices that impair the ability of WTO provisions to be applied on a reciprocal basis in Vietnam's trade regime. Comments received will be considered in developing U.S. positions and objectives for the multilateral and bilateral negotiations that will determine the terms of WTO accession for Vietnam to the World Trade Organization.

DATES: Public comments are due by noon on Friday, March 28, 1997.

ADDRESSES: Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Barbara Chattin, Director for Tariff Negotiations (202–395–5097), Peter Collins, Deputy Assistant USTR for Services and Investment (202–395–7271), Joe Damond, Director for South East Asia (202–395–6813), or Cecilia Leahy Klein, Director for WTO Accessions (202–395–9437), Office of the U.S. Trade Representative.

SUPPLEMENTARY INFORMATION: The Chairman of the Trade Policy Staff Committee invites written comments from the public on market access and other issues to be addressed in the course of negotiations with Vietnam to the WTO. Vietnam applied for WTO accession in January 1995. At that time, a Working Party was established by the WTO General Council to review the application and to conduct negotiations with Vietnam for the terms of its WTO membership. The United States will participate in the Working Party deliberations and in bilateral negotiations with Vietnam as part of the accession process. All comments received will be considered in developing U.S. positions and objectives for participation in these negotiations, the establishment of schedules of commitments and concessions in the areas of agriculture, industrial goods, and trade and investment in services, and for the development of the elements of the protocol of accession for Vietnam to the WTO.

The Committee is seeking public comments on the possible affect on U.S. trade of the accession of Vietnam to the WTO, with reference to tariffs applied to imports and any other trade measures currently applied by that country that could be subject to the provisions of the WTO; particularly market access issues for goods and services, or practices that could affect the competitiveness of U.S. goods and services in that market. Issues of interest to the TPSC include, but are not limited to: (a) comments on possible tariff reductions and the removal of border measures such as quotas or import licensing requirements; (b) uniform application of the trading system; (c) the provision of national treatment and nondiscriminatory treatment for imports, especially in the area of domestic taxation; (d) transparency in application of trade laws and regulations; (e) right of appeal in cases involving application of trade laws and other laws relating to WTO provisions, such as protection and enforcement of intellectual property rights (IPR) and services; (f) customs processing issues, such as document certification prior to export, fees, customs valuation, and certification requirements; (g) industrial export and

domestic subsidies; (h) agricultural export subsidies and domestic supports and incentives; (i) safeguard and unfair trade practice procedures applied to imports; (j) plant, animal, and human health and safety requirements; (k) requirements for and restrictions on the right to import and export goods: (l) technical barriers to trade; (m) utilization of preshipment inspection services; (n) activities of state trading enterprises, including restrictions and other trade-distorting practices made effective through state trading; (o) price controls, two-tier pricing, and other price policies; (p) foreign exchange controls that act as barriers to trade and investment; (q) membership in preferential trade arrangements, free trade arrangements, or customs unions; (r) government procurement practices; (s) policies concerning trade in civil aircraft; (t) the trade-related aspects of investment policies, and (u) the protection and enforcement of intellectual property. Market access issues for services include, but are not limited to, the right of establishment for U.S. services providers, the right to purchase services abroad, the ability to provide services on a cross-border basis, and the ability of persons to enter temporarily to provide services.

Information on products or practices subject to these negotiations should include, whenever appropriate, the import or export tariff classification number used by Vietnam for the product concerned.

All comments on the above subject matter that were already provided in response to FR 61 59920 published on November 25, 1996 (requesting comments on the Negotiation of a Bilateral Trade Agreement Between the United States and the Socialist Republic of Vietnam), will be considered as having also been submitted in response to this request, absent notification to the contrary. Supplementary comments to such earlier submissions will also be considered if submitted in response to this notice.

WRITTEN COMMENTS: All written comments should be addressed to: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street N.W., Room 501, Washington, D.C. 20508.

All submissions must be in English and should conform to the information requirements of 15 CFR 2003.

A party must provide ten copies of its submission which must be received at USTR no later than noon, Friday, March 28, 1997. If the submission contains business confidential information, ten copies of a non-confidential version must also be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''confidential'' at the top and bottom of the cover page (or letter) and of each succeeding page of submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

Written comments submitted in connection with this request, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection shortly after the filing deadline. Inspection is by appointment only with the staff of the USTR Public Reading Room and can be arranged by calling (202) 395–6186.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 97–4646 Filed 2–24–97; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Maglev Study Advisory Committee; Notice of Third Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of third meeting of the Maglev Study Advisory Committee.

SUMMARY: As required by Section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 (1988) and 41 C.F.R. Part 101–6, section 101–6, 1015(a), the Federal Railroad Administration (FRA) gives notice of the third meeting of the Maglev Study Advisory Committee (''MSAC''). The purpose of the meeting is to advise DOT/FRA on the Congressionally mandated study of the near-term applications of maglev technology in the United States.

DATES: The third meeting of the MSAC is scheduled for 8:30 a.m. to 4:30 p.m. EST on Monday and Tuesday, March 24 and 25, 1997.

ADDRESSES: The third meeting of the MSAC will be held in the 9th floor Conference Room at FRA Headquarters, 1120 Vermont Avenue NW, Washington, D.C. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Those with special needs should inform Mr. Mongini 5 days in advance of the meeting so appropriate facilities can be provided.

FOR FURTHER INFORMATION CONTACT: Arrigo Mongini, Deputy Associate Administrator for Railroad Development, FRA RDV–2, 400 Seventh Street S.W., Washington D.C. 20590 (mailing address only) or by telephone at (202) 632–3286.

SUPPLEMENTARY INFORMATION: The third meeting of the Maglev Study Advisory Committee (MSAC) will be held on March 24 and 25 from 8:30 a.m. to 4:30 p.m. at the Federal Railroad Administration (FRA) headquarters, 1120 Vermont Avenue, N.W., Washington, DC, in the 9th floor conference room. The meeting is open to the public.

The MSAC was created by the National Highway System Designation Act to advise the Secretary of Transportation in the preparation of a report to be submitted by the Secretary to the Congress evaluating the near term applications of magnetic levitation transportation technology in the U.S. ''with particular emphasis on identifying projects warranting immediate application of such technology.'' The Act further specifies that the study also ''evaluate the use of innovative finance techniques for the construction and operation of such projects.'' The eight committee members collectively have experience in magnetic levitation transportation, design and construction, public and private finance, and infrastructure policy disciplines. The conference report on the National Highway System Designation Act specifies that ''[t]he Committee should identify and analyze specific magnetic leviation projects, such as a connector from New York City to its airports, the transportation project under development between Baltimore, Maryland and Washington, DC , and technology transfer efforts underway in Pittsburgh, Pennsylvania, so that Congress can better assess how near-term magnetic levitation technology could complement existing modes of transportation * * *.'' The Secretary has assigned responsibility for preparing the report to the Federal Railroad Administrator, working closely with the MSAC. The Secretary's report to the Congress will discuss the extent to which the above and other potential magnetic levitation projects warrant immediate application, taking into account such factors as ability to be financed, benefits vs costs, extent of public commitment and support, and national significance.

The period from 8:30 a.m. to approximately 1:30 p.m., with appropriate breaks, will be set aside on Tuesday, March 25 to hear presentations from sponsors or proponents of maglev projects such as those mentioned in the conference report. Any such project, in order to be considered, should be based on full scale high-speed maglev technology capable of near term application. Sponsors or proponents of projects representing low speed applications, or projects where there is no evidence of public sector interest, should not apply for permission to give a presentation. Sponsors or proponents of projects representing tests of technologies that are not yet fully developed may contact Mr. Harding to discuss whether a presentation would be appropriate.

Persons interested in giving a presentation should contact John Harding, of the Federal Railroad Administration (phone: 202 632–3387/ fax: 202 632–3854) in order to be given a time on the scheduled program. Presentations will not be accepted on a ''walk in'' basis, although, if there is sufficient time, there may be opportunity for comments from the public other than in the scheduled presentations.

Presentations should contain information describing the project, public and private sponsorship, any studies of revenues, costs, and benefits, proposed means of financing, and national significance. Facilities for overhead and 35mm slide projection will be provided. Twelve hard copies of the presentation and accompanying literature should be provided by the presenter for use of the MSAC and staff.

Issued in Washington, D.C. on February 14, 1997.

Jolene M. Molitoris,

Administrator.

[FR Doc. 97–4613 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–06–P

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 27, 1997.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW. Washington, DC 20590.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11832–N	RSPS–97–2130	Air Liquide Corp., Houston, TX.	49 CFR 172.203, 173.318, 173.320.	To authorize the manufacture, mark and sale of a non-DOT specification portable tank for use in the transportation of helium, refrigerated liquid, Division 2.2. (mode 1).
11834–N	RSPA–97–2131	Ashland Chemical Co., Dublin, OH.	49 CFR 173.173, 173.202.	To authorize the transportation of Division 3 and 5.1 material in UN 1A2/Y1.4/100 openhead steel drums as part of a mechanical application system. (modes 1, 2).

NOTE: Correction, Trinity Industries, Inc. application notice published on Wednesday February 5, 1997 FR Vol. 62, No. 24, Page 5506, should have appeared as Trinity Industries, Inc., Dallas, TX, modes 1, 2, and 3.

(1) To modify the exemption to provide for an additional container equipped with side discharge for use in transporting certain blasting agents.

(2) To modify the exemption to provide for an additional motor vehicle, equipped with specific diesel-operated heating equipment, for use in the transportation of certain Class 3 liquids or gases.

(3) To modify the exemption to provide for Division 2.2 and 5.1 as additional classes of hazardous material to be unloaded with the physical presence of an unloader.

(4) To modify the exemption to increase the service life to 24 years, increase the retest schedule to 7 years and eliminate the marking requirement on non-DOT specification welded stainless steel cylinders.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 19, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 97–4581 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–60–M

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for

modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. Application numbers with the suffix ''P'' denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before March 12, 1997.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW, Washington, DC.

Application No.	Applicant	Renewal of exemption
8723–M	Dyno Nobel Inc., Salt Lake City, UT (see footnote 1)	8723
10803–M	Westinghouse Electric Corporation, Pittsburgh, PA (see footnote 2)	10803
10929–M	Conrail, Philadelphia, PA (see footnote 3)	10929
11025–M	Mass Systems Inc., Baldwin Park, CA (see footnote 4)	11025

(1) To modify the exemption to provide for an additional container equipped with side discharge for use in transporting certain blasting agents.
(2) To modify the exemption to provide for an additional motor vehicle, equipped with specific diesel-operated heating equipment, for use in the transportation of certain Class 3 liquids or gases.
(3) To modify the exemption to provide for Division 2.2 and 5.1 as additional classes of hazardous materials to remain standing with unloading connection attached when product is being transferred, without the physical presence of an unloader.
(4) To modify the exemption to increase the service life to 24 years, increase the retest schedule to 7 years and eliminate the marking requirement on non-DOT specification welded stainless steel cylinders.

Application	Applicant	Parties to exemption
2582–P	Praxair Distribution, Inc., Danbury, CT	2582
3004–P	Praxair Distribution, Inc., Danbury, CT	3004
4850–P	Allied Signal Inc., Morristown, NJ	4850
4884–P	Praxair Distribution, Inc., Danbury, CT	4884
5643–P	Praxair Distribution, Inc., Danbury, CT	5643
5704–P	Chemical Waste Management, Inc., Sauget, IL	5704
5923–P	Praxair Distribution, Inc., Danbury, CT	5923
6349–P	Praxair Distribution, Inc., Danbury, CT	6349
6530–P	Western International Gas & Cylinders Inc., Bellville, TX	6530
6530–P	Praxair Distribution, Inc., Danbury, CT	6530
6543–P	Praxair Distribution, Inc., Danbury, CT	6543
6691–P	Praxair Distribution, Inc., Danbury, CT	6691
6765–P	Praxair Distribution, Inc., Danbury, CT	6765
6805–P	Praxair Distribution, Inc., Danbury, CT	6805
7268–P	Praxair Distribution, Inc., Danbury, CT	7268
7274–P	Praxair Distribution, Inc., Danbury, CT	7274
7451–P	Praxair Distribution, Inc., Danbury, CT	7451
7835–P	Praxair Distribution, Inc., Danbury, CT	7835
7846–P	Praxair Distribution, Inc., Danbury, CT	7846
8013–P	Praxair Distribution, Inc., Danbury, CT	8013
8156–P	Praxair Distribution, Inc., Danbury, CT	8156
8451–P	Primex Technologies, Inc.., St. Petersburg, FL	8451
8451–P	ICI Explosives, Middletown, IA	8451
8451–P	MK Ballistic Systems, Hollister, CA	8451
8451–P	Chemical Waste Management, Inc.., Sauget, IL	8451
8556–P	Praxair Distribution, Inc., Danbury, CT	8556
8582–P	Paducah & Louisville Railway, Inc.., Paducah, KY	8582
8698–P	Praxair Distribution, Inc., Danbury, CT	8698
8915–P	Praxair Distribution, Inc., Danbury, CT	8915
8915–P	Fiba Technologies, Westboro, MA	8915
9034–P	Praxair Distribution, Inc., Danbury, CT	9034
9047–P	Praxair Distribution, Inc., Danbury, CT	9047
9414–P	Praxair Distribution, Inc., Danbury, CT	9414
9480–P	Praxair Distribution, Inc., Danbury, CT	9480
9507–P	Praxair Distribution, Inc., Danbury, CT	9507
9723–P	Rollins Environmental, Inc., Wilmington, DE	9723
9723–P	Chemical Waste Management, Inc., Sauget, IL	9723
9769–P	Chemical Waste Management, Inc., Sauget, IL	9769
01–P	Praxair Distribution, Inc., Danbury, CT	10101
10441–P	Bechem Transport, Inc., New Haven, CT	10441
10441–P	Chemical Waste Management, Inc., Sauget, IL	10441
10457–P	Advance Chemical Distribution, Inc., Sand Springs, OK	10457
10798–P	Callaway Chemical Company, Smyrna, GA	10798
10798–P	Callaway Chemical Company, Dalton, GA	10798
10798–P	Callaway Chemical Company, Chattanooga, TN	10798

Application	Applicant	Parties to exemption
10933–P	Chemical Waste Management, Inc., Sauget, IL	10933
11043–P	Chemical Waste Management, Inc., Sauget, IL	11043
11043–P	Bechem Transport, Inc., New Haven, CT	11043
11055–P	Chemical Waste Management, Inc., Sauget, IL	11055
11055–P	MSE Environmental, Inc., Camarillo, CA	11055
11153–P	General Chemical Corporation, Framingham, MA	11153
11156–P	Dixie Chemical Corporation, New Bern, NC	11156
11197–P	Chemical Waste Management, Inc., Sauget, IL	11197
11294–P	Chemical Waste Management, Inc., Sauget, IL	11294
11294–P	Bechem Transport, Inc., New Haven, CT	11294
11388–P	Nalco Chemical Company/Exxon Energy Chemicals L.P., Sugar Land, TX	11388
11588–P	Medwaste Management, Inc. of New England, North Haven, CT	11588
11602–P	Atlantic Coast Recycling, Inc., Fort Pierce, FL	11602
11602–P	Southwestern Die Casting Co., Inc., Fort Smith, AR	11602
11602–P	East Tennessee Iron & Metal, Inc., Rogersville, TN	11602
11624–P	Environmental Transportation Services, Inc., Oklahoma City, OK	11624
11624–P	Republic Environmental Systems, Hatfield, PA	11624
11624–P	Chemical Waste Management, Inc., Sauget, IL	11624
11821–P	Wyoming Steel & Fab, Inc., Reliance, WY	11821
11822–P	Westinghouse Hanford Company, Richland, WA	11822
11826–P	MG Industries Gas Technology & Services Group, Houston, TX	11826
11829–P	Parsin Chemicals Limited, Andhra Pradesh, India	11829
11829–P	ICI Explosives Canada, Quebec, Canada	11829

This notice of receipt of applications for modification of exemptions and for party to an exemption is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 20, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 97–4582 Filed 2–24–97; 8:45 am]

BILLING CODE 4910–60–M

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 103X)]

Union Pacific Railroad Company—Abandonment Exemption—in Sarpy County, NE (Gilmore Industrial Lead)

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, pursuant to 49 U.S.C. 10502, exempts Union Pacific Railroad Company from the prior approval requirements of 49 U.S.C. 10903 to abandon service over a portion of rail line known as the Gilmore Industrial Lead in Sarpy County, NE, subject to standard labor protective conditions. The line extends between milepost 11.76 and milepost 12.23, near Gilmore, NE, a distance of 0.47-mile.

DATES: Provided no formal expression of intent to file a financial assistance offer has been received, this exemption will be effective on March 27, 1997. Formal expressions of intent to file financial assistance offers under 49 CFR 1152.27(c)(2) must be filed by March 7, 1997. Petitions to stay must be filed by March 12, 1997. Petitions to reopen must be filed by March 24, 1997.

ADDRESSES: Send pleadings referring to STB Docket No. AB–33 (Sub-No. 103X) to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Petitioner's representative: Joseph D. Anthofer, 1416 Dodge Street, Room 830, Omaha, NE 68179–0830.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: February 13, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97–4642 Filed 2–24–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Project No. TIRNO–97–R–00018]

Proposed Establishment of a Federally Funded Research and Development Center

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of intent.

SUMMARY: The Internal Revenue Service (IRS) intends to sponsor a Federally Funded Research and Development Center (FFRDC) to provide system engineering and technical assistance along with strategic advice and guidance. Also required will be technical management capabilities to facilitate the operation and modernization of Tax Systems. The FFRDC will be established under the authority of 48 CFR Subpart 35.017 and Office of Federal Procurement Policy Letter 84–1. The FFRDC shall provide technical advice and assistance to the IRS and/or its contractors in the areas of program and project management. This will consist of expert advice/guidance focused on increasing the effectiveness and efficiency of strategic information management and technical activities. The FFRDC will be available for IRS's Chief Information Officer (CIO) or the CIO's designees or Department of the Treasury executive support. Examples of this support may include, but are not limited to the following:—Information Systems (IS) input to business case development—Business Process Analysis—IS management and oversight

of IRS contractors—Evaluation of IRS contractors' performance and development of performance measures—Development of recommendations regarding a prime integration contractor—Evaluation of IRS effectiveness—Ad hoc technical advice—Acquisition Support as necessary. This procurement will not involve a request for proposals. However, expressions of interest and qualification or capability statements should be submitted by interested entities who are capable of fulfilling this requirement. The qualification or capability statements received will be used to select potentially qualified entities, which may at a later date be requested to submit additional information and/or provide an oral presentation as part of a final selection. This is the third and final announcement issued under the authority of 48 CFR 5.205(b)

DATES: Please submit your qualification or capability statements not later than March 27, 1997.

ADDRESSES: Responses to this notice must be mailed to the Internal Revenue Service, A/C Procurement, Office of End Users Systems Branch, 6009 Oxon Hill Road, Oxon Hill, MD 20745 7th floor/ Constellation Building M:P:I:E.

SUPPLEMENTARY INFORMATION: Upon request, a copy of a scope of work for the intended FFRDC will be mailed to any interested party or interested parties can download the information from the IRS Procurement Bulletin Board System. Please follow these instructions to access the PBBS, dial the following number (202) 799–0943. Your system must be set at the following defaults: Baud Rate of 9600, No Parity, 8 Data Bits, 1 Stop Bit. The system will prompt you for your name, business name and address, the kind of system you are using, user ID and a password of your choice. At the Main System Menu the following will appear ''Make your selection (T,F,E, etc.* * *):'' Type ''L'' and press the <ENTER> Key. Type ''S'' to select a library and press the <ENTER> Key. Type ''*RFP*'' and press the <ENTER> Key. Type ''F'' and press the <Enter> Key to list files. Press the <ENTER> Key to view the list of files. Type ''C'' to view the file list. Download the file ''*FFRDC.DOC*''. The system operates 24 hours a day 7 days a week. Send a written request, for a copy of the statement of work, to the contracting officer at the address specified above. No oral communication will be accepted. Qualification or Capability Statement, should be submitted in written form to the Contracting Officer at the address specified above.

Responses to this notice should make reference to Project No. TIRNO–97–R–00018.

James A. Williams,

Deputy Assistant Commissioner (Procurement).

[FR Doc. 97–4644 Filed 2–25–97; 8:45 am]

BILLING CODE 4830–01–U

Office of Thrift Supervision

[AC–3; OTS No. 03369]

Hemlock Federal Bank for Savings, Oak Forest, Illinois; Approval of Conversion Application

Notice is hereby given that on February 12, 1997, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Hemlock Federal Bank for Savings, Oak Forest, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: February 20, 1997.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 97–4643 Filed 2–24–97; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for emergency clearance request is that these information collections are essential to the VA's mission. The use of normal clearance procedures is reasonably likely to prevent the VHA from timely conducting the collections of information. OMB has been requested to act this emergency clearance request by March 11, 1997.

OMB Control Number: None assigned.

Title and Form Number: Generic Clearance for the Veterans Health Administration Customer Satisfaction Surveys.

Type of Review: New collection.

Need and Uses: VHA will conduct the customer satisfaction surveys under this generic clearance to implement Executive Order 12862, Setting Customer Service Standards. If the surveys were not conducted, VHA would be unable to comply with the Executive Order, and would not have the information needed to establish standards for the best possible customer-focused service. VHA will use the information gathered to determine where and to what extent services are satisfactory, and where and to what extent they are in need of improvement. The information may lead to policy changes to improve VHA's overall operations. Voluntary customer surveys will not be used as substitutes for traditional program evaluation surveys that measure objectives outcomes. In order to maximize the voluntary response rates, the information collections will be designed to make participation convenient, simple, and free of unnecessary barriers.

Affected Public: Individuals or households.

Estimated Annual Burden: 22,350 hours.

a. Nationwide Inpatient Survey—10,500 hours.

b. Nationwide Outpatient Survey—7,625 hours.

c. Outpatient Home Based Survey—1,225 hours.

d. Local Surveys (VA Medical Facilities)—1,225 hours.

Estimated Average Burden Per Respondent:

a. Nationwide Inpatient Survey—15 minutes.

b. Nationwide Outpatient Survey—15 minutes.

c. Outpatient Home Based Survey—15 minutes.

d. Local Surveys (VA Medical Facilities)—10 minutes.

Frequency of Response: Annually.

Estimated Total Number of Respondents: 94,900.

a. Nationwide Inpatient Survey—42,000.

b. Nationwide Outpatient Survey—30,000.

c. Outpatient Home Based Survey—4,900.

d. Local Surveys (VA Medical Facilities)—18,000.

ADDRESSES: A copy of this submission may be obtained from Ron Taylor,

Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8015.

Comments and recommendations concerning this submission should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 4, 1997.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 273–8015.

Dated: February 11, 1997.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 97–4687 Filed 2–24–97; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals (BVA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for emergency clearance request is that the ongoing survey is essential to the VA's mission. Disruption of the collection of information will harm the BVA's efforts to identify aspects of the service that are most important to our customers. OMB has been requested to act this emergency clearance request by March 11, 1997.

OMB Control Number: 2900–0548.

Title and Form Number: Generic Clearance for the Board of Veterans' Appeals Customer Satisfaction Survey.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Need and Uses: The BVA will conduct the customer satisfaction survey under this generic clearance to implement Executive Order 12862, Setting Customer Service Standards. If the survey was not conducted, BVA would be unable to comply with the Executive Order, and would not have the information needed to establish standards for the best possible customer-focused service. BVA will use the information gathered to determine where and to what extent services are satisfactory, and where and to what extent they are in need of improvement. The information may lead to policy changes to improve the Board's overall operations. BVA anticipates the survey will identify those aspects of service that are most important to benefit claims appellants.

Affected Public: Individuals or households.

Estimated Annual Burden: 400 hours.

Estimated Average Burden Per Respondent: 6 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 4,000.

ADDRESSES: A copy of this submission may be obtained from Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015.

Comments and recommendations concerning this submission should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Do Not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 4, 1997.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 273–8015.

Dated: February 11, 1997.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 97–4688 Filed 2–24–97; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection: Emergency Submission for OMB Review; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following emergency proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3507(j)(1)). The reason for emergency clearance request is that these information collections are essential to the VA's mission. The use of normal clearance procedures is reasonably likely to prevent the VBA from timely conducting the collections of information. OMB has been requested to act this emergency clearance request by March 11, 1997.

OMB Control Number: None assigned.

Title and Form Number: Generic Clearance for the Veterans Benefits Administration Customer Satisfaction Surveys.

Type of Review: New collection.

Need and Uses: VBA will conduct the customer satisfaction surveys under this generic clearance to implement Executive Order 12862, Setting Customer Service Standards. If the surveys were not conducted, VBA would be unable to comply with the Executive Order, and would not have the information needed to establish standards for the best possible customer-focused service. VBA will use the information gathered to determine where and to what extent services are satisfactory, and where and to what extent they are in need of improvement. The information may lead to policy changes to improve VBA's overall operations. Voluntary customer surveys will not be used as substitutes for traditional program evaluation surveys that measure objectives outcomes. In order to maximize the voluntary response rates, the information collection will be designed to make participation convenient, simple, and free of unnecessary barriers.

Affected Public: Individuals or households; Business or other for-profit.

Estimated Annual Burden: 1,494 hours.

a. Lender Survey—303 hours.

b. VA Loan Customer Service Survey—575 hours.

c. Insurance Customer Survey—216 hours.

d. Vocational Rehabilitation Service-St. Petersburg—100 hours.

e. Customer Survey for VAMC Outbased Team—200 hours.

f. Pretest-Education Questionnaire—100 hours.

Estimated Average Burden Per Respondent:

a. Lender Survey—20 minutes.

b. VA Loan Customer Service Survey—15 minutes.

c. Insurance Customer Survey—6 minutes.

d. Vocational Rehabilitation Service-St. Petersburg—15 minutes.

e. Customer Survey for VAMC Outbased Team—10 minutes.

f. Pretest-Education Questionnaire—15 minutes.

Frequency of Response: One-time.

Estimated Total Number of Respondents: 7,369.

a. Lender Survey—909.

b. VA Loan Customer Service Survey—2,300.

c. Insurance Customer Survey—2,160.

d. Vocational Rehabilitation Service-St. Petersburg—400.

e. Customer Survey for VAMC Outbased Team—1,200.

f. Pretest-Education Questionnaire—400.

ADDRESSES: A copy of this submission may be obtained from Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015.

Comments and recommendations concerning this submission should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 4, 1997.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 273–8015.

Dated: February 11, 1997.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 97–4689 Filed 2–24–97; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 62, No. 37
Tuesday, February 25, 1997

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Commercial Encryption Items

Correction

In notice document 97–3413, beginning on page 6515, in the issue of Wednesday, February 12, 1997, in the DATES section, ''Febraury 12, 1997.'' should read ''April 14, 1997.''.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AWP-23]

Proposed Establishment of Class E Airspace; Atwater, CA

Correction

In proposed rule document 97–2422 appearing on page 4668 in the issue of Friday, January 31, 1997 make the following correction:

§ 71.1 [Corrected]

In the third column, § 71.1, airspace description following Castle Airport, CA, line five, ''410°'' should read ''310°''.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Public Meeting of the Inter-Tribal Council on Hanford Health Projects (ICHHP), in Association With the Meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

Correction

In notice document 97–3732 beginning on page 6973 in the issue of Friday, February 14, 1997 make the following correction:

The meeting schedule in the third column is corrected below.

Dates:	February 19, 1997	May 7, 1997
Times:	9 a.m.–5 p.m.	9 a.m.–5 p.m.
Place:	Red Lion Hotel/Jantzen Beach 909 North Hayden Island Drive Portland, Oregon 97217	Cavanaugh's at Columbia Center 1101 Columbia Center Boulevard Kennewick, Washington 99336
Tel:	503/283–4466	509/783–0611
Fax:	503/283–4743	509/735–3087

Dates:	July 23, 1997	October 8, 1997
Times:	9 a.m.–5 p.m.	9 a.m.–5 p.m.
Place:	Marines' Memorial Club 609 Sutter Street (at Mason) San Francisco, California 94102	Coeur d'Alene Inn West 414 Appleway Coeur d'Alene, Idaho 83814
Tel:	415/673–6672	208/765–3200
Fax:	415/441–3649	208/664–1962

Date:	December 10, 1997
Time:	9 a.m.–5 p.m.
Place:	Madison Hotel 515 Madison Street Seattle, Washington 98104
Tel:	206/583–0300
Fax:	206/624–8125

BILLING CODE 1505-01-D

federal register

Tuesday
February 25, 1997

Part II

Office of Personnel Management

SES Positions That Were Career Reserved During 1996; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1996

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1996.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Resources, (202) 606–1927.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1996 whether or not they were still career reserved on December 31, 1996. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

Office of Personnel Management.

James B. King,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996

Agency/organization	Career reserved positions
Advisory Council on Historic Preservation:	
Ofc of the Exec Director	Executive Director.
Department of Agriculture:	
Ofc of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
	Dep Asst Insp Gen for Invest Immediate Office.
Office of Asst Sec'y Administration	Deputy Chief Financial Officer.
Office of Operations	Director Office of Operations.
Office of Finance and Management	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Division.
Rural Housing Service	Assistant Administrator, Finance Office.
	Controller.
	Deputy Administrator for Operations & Mgmt.
Rural Business Service	Deputy Administrator for Business Programs.
Agricultural Marketing Service	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Director.
	Director.
Animal & Plant Health Inspection Service	Dep Admr, Regulatory Enforcement/Animal Care.
Veterinary Services	Director, Northern Region.
	Dir, S E Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Dep Admr, Animal Damage Control.
	Dir, Operational Support, Veterinary Services.
	Dir, Natl CTR for Veterinary Epidemiology.
Plant Protection & Quarantine Service	Dep Admr, International Services.
	Director Northeastern Region.
	Director, South Central Region.
	Director, Western Region.
	Director, Southeastern Region.
	Director, Operational Support PPQ.
Food Safety and Inspection Service	Asst Deputy Admin, Technical Services.
	Dep Admir-Administrative Mgmt.
	Dir, Northeast Region, Phila., PA.
	Regl Director, Atlanta, Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.
	Asst Dep Admin (Admin Mgt).
	Asst Deputy Administrator.
	Regional Director.
	Associate Deputy Administrator.
	Associate Administrator.
	Deputy Administrator.
	Deputy Administrator.
	Director.
	Deputy Administrator.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Deputy Administrator.
	U.S. Coordinator for Codex Alimentarius.
	Deputy Director.
	Dir, Animal Production Food Safety Staff.
	Deputy Administrator.
Food and Consumer Service	Deputy Admin for Financial Management.
	Deputy Admr for Management.
Farm Service Agency	Director, Budget Division.
	Asst Manager for Research & Development.
	Director, Insurance Services Division.
	Controller.
Foreign Agricultural Service	Dir, Grain & Feed Div.
	Assistant Deputy Administrator Management.
Agriculture Research Service	Dep Admr for Adm Mgmt.
	Assoc Dep Admin for Administrative Management.
	Asst Administrator for Technology Transfer.
	Global Change Research Staff Assistant.
	Associate Deputy Admin, Financial Management.
National Program Staff Office	Deputy Administrator, National Program Staff.
	Assoc Dep Admr.
	Associate Dep Administrator, Animal Sciences.
Beltsville Area Office	Director, Beltsville Area Office.
	Assoc Dir, Beltsville Area.
	Assoc Dep Admr, Natural Resources/Systems.
	Associate Deputy Admin, Genetic Resources.
	Associate Deputy Administrator.
	Supervisory Research Chemist.
	Dir, U.S. National Arboretum.
	Dir, Beltsville Human Nutrition Research Ctr.
	Director, Plant Sciences Institute.
	Dir, Livestock & Poultry Sciences Institute.
	Dir, Natural Resources Institute.
North Atlantic Area Office	Director, Eastern Regl Research Center.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
	Director, Plum Island Animal Disease Center.
South Atlantic Area Office	Res Leader-Plant Physio & Photosynthesis Res.
	Associate Dir, South Atlantic Area.
	Director, Russell Research Center.
	Supervisory Research Geneticist.
	Supervisory Research Physiologist.
	Director, South Atlantic Area.
	Dir, Center for Medical A & V Entomology.
Midwest Area Office	Dir, Midwest Area.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Supervisory Research Geneticist (Plants).
	Dir, Natl Ctr for Agri Utilization.
Midsouth Area Office	Dir, Southern Regional Res Center, New Orlean.
	Director, Mid-South Area.
Central Plains Area Office	Dir, Natl Animal Disease Center.
Southern Plains Area Office	Director, Southern Plains Area.
	Dir, Subtropical Agricultural Res Laboratory.
	Research Leader F & F Safety Res Laboratory.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir, R.L. Hruska US Meat Animal Res Center.
	Supervisory Soil Scientist.
Pacific West Area Office	Director, Western Regional Research Center.
	Dir. Western Human Nutrition Research Center
	Director, Pacific West Area Office.
	Associate Director, Pacific West Area Office.
	Dir, Western Cotton Research Laboratory.
	Supervisory Soil Scientist.
	Supervisory Soil Scientist.
Cooperative State Res Education, & Extension Service	Assoc Administrator for Grants & Program Sys.
	Deputy Administrator, Partnerships.
Natural Resources Conservation Service	Director, Engineering Division.
	Dir, Ecological Sciences and Technology Divisi.
	Deputy Chief for Management.
	Dir, Consv Planning and App.
	Dir, Community Asst & Res Development Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Associate Deputy Chief for Management.
	Dir, Soils (Soil Scientist).
	Dir, Land Treatment Program.
	Associate Deputy Chief for Technology Sci Tec.
	Director, Strategic Planning Division.
	Dir, Biological Conservation Sciences Division.
	Dir, Quality Management & Prog Eval Division.
	Spec Asst, Strategic Natl Resources Issues.
	National Information Res Mgmt Leader.
	Dir, Conservation & Ecosystem Asst Division.
	Dep Chief for Mgnt & Strategic Planning.
	Special Asst to the Chief for Soil Science.
Forest Service	Dep Chf for Administration.
	Associate Deputy Chief-Administration.
	Dir, Forest Pest Mgmt Staff.
	Dir, Fiscal & Accounting Services.
	Associate Deputy Chief for Administrator.
	Director, Fire and Aviation Staff.
Research	Dir, Insect and Disease Research Staff.
	Dir, Forest Environment Research Staff.
	Dir, Forest Resource Economics Staff.
	Dir, Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir, Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir, Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
State & Private Forestry	Dir, Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir, N Eastern Forest Experiment Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Stat.
	Director, Rocky Mt Forest & Range Exper Stat.
	Dir, S Eastern Forest Experiment Station.
	Director, Forest Products Laboratory.
	Dep Dir, Forest Products Lab.
International Forest System	Associate Deputy Chief.
	Dir, International Institute of Tropical Forest.
Economic Research Service	Admr, Economic Research Service.
	Associate Administrator—Economic Rsch Svc.
	Director, Resources & Technology Division.
	Dir, Natural Res & Environment Division.
	Director, Information Services Division.
	Director, Commercial Agriculture Division.
	Director, Rural Economy Division.
	Dir, Ofc of Risk Assessment & Cost-Benefit Anl.
	Budget Coordinator and Strategic Planner.
	Dir, Food & Consumer Economics Division.
National Agricultural Statistics Service	Admr, National Agricultural Statistics Serv.
	Dir, Estimates Div.
	Dir, State Statistical Division.
	Deputy Administrator for Programs.
	Dir, Systems & Information Division.
	Director, Office of Energy.
	Director, Survey Management Division.
World Agricultural Outlook Board	Dep Chairperson.
American Battle Monuments Commission:	
Office of Executive Director	Executive Director.
Department of Commerce:	
Office of the General Counsel	Asst General Counsel for Finance & Litigation.
	Director, Office of Intelligence Liaison.
Assistant Secy Legislative & Intergovernmental Affs	Dep Admin for Legislative & Internal Affairs.
Director for Human Resources Management	Director for Human Resources Management.
	Dep Dir of Human Resources Management.
Director for Financial Management	Dir for Financial Management.
Office of Budget Mgmt & Info & Chief Information Offcr	Director, Office of Budget.
Director for Executive Budgeting & Assistance Mgmt	Dir for Federal Asst & Management Support.
Office of Security and Administrative Services	Director for Procurement & Admin Services.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Director, Office of Security.
	Deputy Director for Procurement.
Office of the Assistant Secretary for Administration	Dir, for Information Resources Management.
Office of Inspector General	Asst Inspector General for Syst Evaluation.
Office of Counsel to the Inspector General	Counsel to the Inspector General.
Office of Compliance and Audit Resolution	Asst Insp Gen for Compl & Audit Resolution.
Office of Inspections and Resource Management	Asst Insp Gen for Plng, Eval & Inspections.
Office of Audits	Assistant Inspector General for Auditing.
	Deputy Assistant Inspector Gen for Auditing.
Office of Investigations	Asst Inspector General for Investigations.
Immediate Office	Dep Asst Secy for Statistical Affairs.
Office of the Director	Assoc Dir for Field Operations.
	Assistant Director for Decennial Census.
	Dep Dir.
	Chief, Marketing Services Office.
	Principal Assoc Dir & Chief Financial Officer.
	Principal Associate Director for Programs.
	Chief, Policy & Strategic Planning Division.
	Chief, Field Division.
	Senior Program Analyst.
	Associate director for Administration.
Associate Director for Administration/Comptroller	Comptroller.
	Chief, Human Resources Management.
Administrative and Customer Services Division	Chief Admin & Customer Services Division.
Associate Director for Information Technology	Assoc Dir for Information Technology.
	Chief, Human Resources Management.
Associate Director for Field Operations	Chief, Computer Services Division.
Data Preparation Division	Chief, Data Preparation Division.
Associate Director for Economic Programs	Associate Director for Economic Programs.
	Assistant Director for Economic Programs.
Economic Planning and Coordination Division	Chf, Economic Planning & Coordination Div.
Economic Statistical Methods and Programming Division	Chf, Economic Statistical M & P Division.
Agriculture and Financial Statistics Division	Chief, Agriculture Div.
	Chief, Financial & Admin Systems Division.
Services Division	Chief, Services Division.
Foreign Trade Division	Chf, Foreign Trade Div.
Governments Division	Chf, Government Div.
	Assoc Dir For Planning & Organ Development.
Manufacturing and Construction Division	Chf, Manufacturing & Construction Division.
Associate Director for Decennial Census	Associate Director for the Decennial Census.
Decennial Management Division	Chief, Decennial Management Division.
Geography Division	Chf, Geography Div.
Decennial Statistical Studies Division	Chief, Decennial Statistical Studies Div.
Associate Director for Demographic Programs	Associate Dir for Demographic Progs.
	Chf, Population Div.
	Chief Demographic Surveys Division.
Housing & Household Economic Statistics Division	Chf, Housing & Household Econ Statistics Div.
Demographic Statistical Methods Division	Chief, Statistical Methods Division.
Associate Director for Methodology & Standards	Assoc Dir for Statistical Standards & Method.
Statistical Research Division	Chief Statistical Research Division.
Office of the Director	Director.
	Dep Dir, Bur of Economic Analysis.
	Chief Economist.
	Chf Statistician.
Associate Director for Regional Economics	Assoc Dir for Regional Economics.
Associate Director for International Economics	Assoc Dir for International Economics.
Assoc Director for Natl Income, E & W Accounts	Assoc Dir for Natl Inc, Exp, Wealth Accounts.
	Chf, Natl Income & Wealth Div.
	Chief, International Investment Division.
	Chief, Computer Systems and Services Division.
Director of Administration	Director of Administration.
Office of the Asst Secretary for Export Enforcement	Dep Asst Secry for Xort Enforcement.
Office of Chief Counsel	Dep Director for Program Operations.
Office of Consumer Goods	Director, Office of Consumer Goods.
Organization Abolished	Dir, Office of Agreements Compliance.
	Dir, Office of Antidumping Compliance.
Organization Abolished	Dir, Office of Antidumping Investigations.
	Dir, Office of countervailing Investigations.
Office of Under Secretary	Director, Information Systems Office (ISO).
Office of International Affairs	Chief Financial Officer/Admin Officer.
NOAA Coastal Ocean Program Office	Dir, NOAA Coastal Ocean Program Office.
Office of Finance and Administration	Dir for Information Systems & Finance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dir for Human Resources Management.
	Dir for Procurement, Grants & Adm Services.
Office of High Performance Computing and Communications	Dir for High Performance Computing Commun.
Systems Acquisition Office	Nexrad Acquisition Manager.
Advanced Weather Interactive P/S (AWIPS) Program	Chf/AWI Interactive Processing System/1990's.
	Dep Chf, Fin Ofcr/Chf Adm Officer (CF/AO).
National Ocean Service	Senior Scientist for Ocean Services.
Strategic Environmental Assessments Division	Chf, Strategic Environmental Assessments Div.
Coastal Monitoring and Bioeffects Assessment Division	Chief, Coastal Monitoring Bioeffects Asses Div.
Hazardous Materials Response and Assessment Division	Chf, Hazardous Materials R & A Division.
Office of Assistant Administrator, Weather Services	Dir, Ofc of Aeronautical Charting/Cartography.
	ASOS Program Manager.
	Deputy Assistant Administrator for Operations.
Management and Budget Office	Chief, Management and Budget Staff.
Office—Fed Coordinator—Meteorology	Chf, Ofc of the Fed Coordinator for Meteorolg.
Office of Meteorology	Dir, Office of Meteorolgy.
Service Division	Chief Service Division.
	Chief, Science Division.
Office of Hydrology	Director, Office of Hydrology.
Hydrologic Operations Division	Chief, Hydrologic Services Division.
Hydrologic Research Laboratory	Chief, Hydrologic Research Laboratory.
Office of Systems Development	Director, Office of Systems Development.
	Dep Dir, Office of Systems Development.
Integrated Systems Laboratory	Chief, Integrated Systems Laboratory.
Techniques Development Laboratory	Chief, Techniques Devel Laboratory.
Office of Systems Operations	Dir, Office of Systems Operations.
Systems Integration Division	Chief, Systems Integration Division.
Systems Operations Center	Chief, Systems Operations Center.
Engineering Division	Chief, Engineering Division.
WSR–88D Operational Support Facility	Dir, NEXRAD Operational Support Facility.
National Data Buoy Center	Director, NOAA Data Buoy Office.
Eastern Region	Dir, Eastern Region NWS.
Southern Region	Dir, Southern Region, Ft Worth.
Central Region	Director, Central Region.
Western Region	Dir, Salt Lake City Region.
Aslaka Region	Dir, Alaska Region, Anchorage.
National Centers for Environmental Prediction	Director, National Meteorological Center.
	Dir, Nat'l Severe Storms Lab.
NCEP Central Operations	Chief, Automation division.
	Director, Aviation Weather Center (AWC).
Environmental Modeling Center	Chief, Development Div.
Hydrometeorological Prediction Center	Chf, Meteorological Operations Division.
Climate Prediction Center	Dir, Climate Prediction Ctr (CPC).
Storm Prediction Center	Director, Storm Prediction Center.
Tropical Prediction Center	Director, Natl Hurricane Center.
National Marine Fisheries Service	Dir, Ofc of Research & Environmental Info.
Northeast Fisheries Science Center	Science & Research Dir, Northeast Region.
	Senior Advisor for International Relations.
Southeast Fisheries Science Center	Science & Research Dir.
Northwest Fisheries Science Center	Science & Research Dir.
Southwest Fisheries Science Center	Science & Research Dir, Southwest Region.
Alaska Fisheries Science Center	Science & Research Director.
Office of Asst Administrator Satellite, Data Info Serv	Sr Sci for Environ Satel, D&I Serv (NESDIS).
	Senior Advisor for Data systems.
Director NPOESS Integrated Program	Systems Program Director.
National Climatic Data Center	Director, National Climatic Data Center.
National Oceanographic Data Center	Dir, Natl Oceanographic Data Center.
	Chief, Advanced Devel & Demonstration Lab.
National Geophysical Data Center	Dir, National Geophysical Data Center.
Office of Systems Development	Dir, Ofc of Sys Development.
Ofc of Asst Administrator, Ocean & Atmospheric Research	Program Director for Weather Research.
	Dep Asst Admr for Extramural Research.
National Sea Grant College Program	Director, National Sea Grant College Program.
Aeronomy Laboratory	Director, Aeronomy Laboratory.
Air Resources Laboratory	Director, Air Resources Laboratory.
Atlantic Ocean and Meteorology Laboratory	Dir, Atlantic Oceanographic & Meteorological.
Geophysical Fluid Dynamics Laboratory	Director.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
Great Lake Environmental Research Laboratory	Dir, Great Lakes Environmental Research Lab.
Pacific Marine Environmental Research Laboratory	Dir, Pacific Marine Environmental Lab.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Space Environment Center	Dir, Space Environment Laboratory.
Environmental Technological Laboratory	Director.
Forecast Systems Laboratory	Director, Forecast Systems Laboratory.
Climate Monitoring and Diagnostics Laboratory	Dir, Climate Monitoring & Diagnostics Lab.
Institute for Telecommunication Sciences	Assoc Admr for Telecommunications Science.
ITS, Systems and Networks Division	Deputy Dir for Systems & Networks.
Patent and Trademark Office	Admin for Leg & Internl Affairs.
	Chief of Staff.
Chemical Patent Exam Groups	Group Director—110.
	Group Director—120.
	Group Director—130.
	Group Director—150.
	Deputy Group Director—110.
	Group Director—180.
	Deputy Group Dir—150.
	Deputy Group Director—180.
Office of Asst Commissioner for Patents	Administrator for Search & Information Res.
	Dep Asst Comm for Patent Process Services.
Electrical Patent Exam Groups	Group Director for 260.
	Group Director 210.
	Group Director for 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Group Director—250.
	Deputy Group Director—260.
	Deputy Group Director—230.
Mechanical Patent Exam Groups	Group Director—310.
	Group Director—320.
	Group Director —330.
	Group Director—340.
	Group Director—350.
Office of Asst Commissioner for Trademarks	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
Office of Quality Programs	Director for Quality Programs.
	Dep. Dir. Ofc of Quality Programs.
Program Office	Director, Program Office.
Office of International and Academic Affairs	Dir International & Academic Affairs.
	Chief Financial Officer.
Office of the Director for Technology Services	Deputy Director, Technology Services.
	Senior Policy Advisor for Standards & Technol.
Manufacturing Extension Partner Ship Program	Dir, Manufacturing Extension Partnership Prog.
	Associate Director for Program Quality.
Office of the Director for Technology Partnerships	Dir, Office of Technology Commercialization.
Office of the Director's Office, Measurement Services	Director, Office of Measurement Services.
Office of the Director's Office, Technology Innovation	Dir, Ofc of Technol Evaluation & Assessment.
Ofc of the Director's Ofc, Advanced Technology Program	Dir, Chemical & Biomedical Technol Office.
	Dir, Electronics & Photonic Technology Ofc.
	Dir, Materials & Manufacturing Technol Ofc.
	Dir, Information Technol & Applications Ofc.
	Assoc Dir for Tech & Business Assessment.
	Dep Director, Advanced Technology Program.
	Director, Advanced Technology Program.
	Dir, Materials & Manufacturing Technology Ofc.
Electronics and Electrical Engineering Laboratory Ofc	Dir, Electronics & Electrical Eng Laboratory.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Semiconductor Electronics Division	Senior Research Scientist.
Manufacturing Engineering Laboratory Office	Manager for Industrial Relations.
	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Automated Production Technology Division	Dir, Manufacturing Engineering Laboratory.
	Chief, Automated Production, Technology Div.
Intelligent Systems Division	Chief, Intelligent Systems Division.
Manufacturing Systems Integration Division	Chief, Factory Automation Systems Division.
Chemical Science and Technolgy Laboratory Office	Dep Dir, Chemical Sci & Technology Laboratory.
	Dir, Chemical Sci & Technology Laboratory.
	Dep. Cir, Chemical Sci & Technol Laboratory.
Surface and Microanalysis Science Division	Chf, Surface & Microanalysis Science Division.
Physical and Chemical Properties Division	Chief, Physical & Chemical Properties Div.
Analytical Chemistry Division	Chief, Analytical Chemistry Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Physics Laboratory Office	Director, Physics Laboratory.
	Mgr, Fundamental Constant Data Center.
	Coordinator of Radiation Measurement Services.
	Deputy Director, Physics Laboratory.
Electron and Optical Physics Division	Group Leader for Far Ultraviolet Physics.
Atomic Physics Division	Chief, Quantum Metrology Division.
	Chief, Atomic Physics Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist & Fellow of Jila.
	Seniro Scientist & Fellow of Jila.
Materials Science and Engineering Laboratory Office	Dir, Materials Sci & Eng Laboratory.
Ceramics Division	Senior Scientist.
	Scientific Assistant to the Director, Imse.
	Dep Dir, Materials Sci & Eng Lab.
	Chief, Film & Fiber Technology.
	Chief, Ceramics Division.
Materials Reliability Division	Chief Materials Reliability Div.
Polymers Division	Physicist (Solid State).
	Chief, Polymers Division.
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Building and Fire Research Laboratory	Dir, Building & Fire Research Laboratory.
	Dep Dir, Building & Fire Research Laboratory.
	Asst Dir, Building & Fire Research Laboratory.
	Chief, Fire Safety Engineering Division.
Building Materials Division	Chf, Building Materials Div.
Building Environment Division	Chief, Building Envirnment Division.
Fire Science Division	Chief, Fire Science Division.
Computer Systems Laboratory Office	Chief Inform Systems Architrecture Division.
	Associate Director for Program Implementation.
Advanced Network Technologies Division	Chief Advanced Network Technologies Div.
Computer Security Division	Chief, Computer Security Division.
Computing and Applied Mathematics Laboratory Office	Dir, Computing & Applied Mathematics Lab.
	Dep Dir, Computing & Applied Mathematics Lab.
	Associate Director for Computing.
	Chief High Perf Systems & Services Division.
Applied and Computational Mathematics Division	Chief Scientific Computing Division.
Statistical Engineering Division	Chief, Statistical Engineering Division.
National Technical Information Service	Deputy Director, Natl Technical Info Service.
Organziation Abolished	Senior Scientist for Fisheries.
Organziation Abolished	Dep Dir Ofc of Oceanic Research Programs.
Organziation Abolished	Dir, Office of Ocean & Earth Sciences.
	Chief Ocean & Lake Levels Division.
Organziation Abolished	Chief Semiconductor Electronics Division.
Organziation Abolished	Chief Molcular Phsics Div.
Organziation Abolished	Chf, Metallurgy Division.
Organziation Abolished	Chief, Electron & Optical Physics Division.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Opinions & Review).
	Deputy General Counsel (Litigation).
	Deputy General Counsel (Reg & Adm).
Office of the Executive Director	Dep Exec Dir.
	Dir, Ofc in Information Resources Mgmt.
Division Economic Analysis	Dep Chf Economist.
	Chief Counsel.
	Associate Director for Surveillance.
Division of Enforcement	Associate Director.
	Associate Director.
	Associate Director 1
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
Consumer Product Safety Commission:	
Ofc of Executive Dir	Asst Exec Dir for Compliance & Enforcement.
	Associate Executive Dir for Field Operations.
	Asst Exec Director for Information Services.
	Executive Assistant.
Office of Hazard Identification & Reduction	Asst Exec Dir for Hazard I & R.
	Associate Executive Director for Economics.
Corporation for National and Community Service:	
Department of the Chief Financial Officer	Associate Director of Management & Budget.
	Asst Dir for Financial Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Ofc Secy of Defense:	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight).
Office of Assistant Secretary (Solic)	Dep Asst Secy of Defense (Forces & Resources).
	Director of Budget and Execution.
	Director for Requirements & Programs.
Joint Activities	Director Desa.
Director Operational Test and Evaluation	Dep Dir for Resources & Administration.
	Dep Dir for Live Fire Test & Evaluation.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Inspections.
	Asst Insp Gen for Adm & Info Management.
	Dep Asst Inspector Gen for Adm & Info Mgmt.
	Dir, Audit Planning & Technical Support.
	Director, Logistics and Support.
	Director, Contract Management.
	Asst Inspector Gen for Audit, Pol & Oversight.
	Deputy Asst Inspector General for Auditing.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Dep Asst Inspector Gen for Program Evaluation.
	Director, Readiness & Operational Support.
	Director, Acquisition Management Directorate.
	Special Assistant.
	Asst Inspector General for Policy & Oversight.
	Director, Audit Followup Directorate.
	Dep Asst Insp Gen for Criminal Invest P & O.
	Dep Asst Inspect General Auit Policy Oversight.
	Director, Office of Departmental Inquiries.
Office of Assistant Secy of Defense (Force Mgmt Policy	Director, Staffing & Career Management.
	Spec Asst DASD (CPP)/Dir, Def CPMS.
OFC of Dir of DOD Dependents Schools	Chief of Educational Support Policy & Legisl.
	Dep Dir Dep of Dfense Dependents School.
	Assoc Dir For Financial, Logistl, & Info Mgmt.
Office Assistant Sec Health Affairs	Executive Dir. Def Medical Info Mgmt.
Uniformed Serv. University of the Health Sciences	Scientific Director, AFRRI
Office of Asst Secy of Def for Public Affairs	Dir, Freedom of Information & Security Review.
	Dir Armed Forces Radio & Television Service.
	Dir Policy and Support.
Deputy Comptroller (Management Systems)	Deputy Chief Financial Officer.
Washington Headquarters Services	Director of Personnel and Security.
	Director Real Estate and Facilities.
	Dep Dir, Real Estate & Facilities.
	Dep Dir, Personnel and Security.
Office of the General Counsel	Deputy General Counsel (IG).
	Dir Def Ofc of Hearings & Appeals.
OFC of Under Secy of Def for Acq & Technology	Director for Defense Procurement.
	Sr Staff Specialist for S & A Systems.
	Dep Dir Naval Warfare.
	Deputy Dir, Cost Pricing & Finance.
	Sr Staff Spec for Air Weapons Def Supp Sys.
	Dep Dir Munitions.
	Sr Staff Special for Air Superiority Systems.
	Dep Dir, Contract Pol & Administration.
	Deputy Dir Test Facilities & Resources.
	Dep Dir Land Warfare.
	Executive Director, Defense Science Board.
	Dir Computer Aided Logistics Support Office.
	Director, Pacific Armaments Cooperation.
	Dep Dir, Acquisition Resources.
	Dep Dir, Def Syst Procurement Strategies.
	Dep Dir Electronic Warfare.
	Dir Planning & Analysis.
	Dep Dir, Foreign Contractor.
	Dep Dir Mayor Policy Initiatives.
	Staff Spec for Spec Tech Program.
	Special Asst Concepts & Plans.
	Deputy Director Defensive Ssytems.
	Adusd (Ballistic Missile Defense).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	DD Modeling & Simulation Software.
	Dir OSD Studies & FFRDCA.
	Asst Dep Under Secy Def (Cruise Missile Def).
	Princ Dep Dir, Strategic & Tactical Systems.
	Dir, Prog Acquisition Strategies Improvement.
	Deputy Director Air Warfare.
	Dep Dir Arms Control Implementation Compl.
	Asst Dep Dir, Arms Control I & C.
	Deputy Dir, Information Management.
	Director Ind Capabilities & Assessments.
	Dep Dir (Test & Evaluation).
	Asst Dep Under Secy of Def (Acq P & P).
	PDUSD (Advanced Technology).
	Asst Dep Under Secry of Defense SSA.
	Special Asst to the USD (A&T).
	Dep Dir Test Facilities & Resources.
Nuclear & Chemical & Biological Defense Programs (NCB)	Prin DASD (NCB).
	Senior Policy ADV/DAS Def (NCB).
	DAS of Def (Nuclear Treaty Programs).
Ofc of the Dir, Defense Research & Engineering	Staff Specialist for Sensor Technology.
Ofc of DD (Research and Advance Tech)	Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures.
	Staff Specialist for Weapons.
	Dir Environmental & Life Sciences.
	Staff Spec for Electronic W/C, Ctrl & Comms.
	Dir. balanced technology initiative.
Deputy Assistant Secretary of Defense (Intelligence)	Director, Intelligence Resources.
	Director, Intelligence Policy.
	Principal Dir to DASD I & S.
	Director, Intelligence Systems.
	Dir Intelligence Operations.
	Dep Dir Counterintelligence.
	Dep Director, Intilligence Policy.
	Dir Special Technology.
	Deputy Dir. Def Air Borne Reconnaissance OFC
	Director Resources.
	Deputy Dir Intelligence Policy Plans & Prog
Deputy Assistant Secretary of Defense (Defense-Wide C3)	Deputy Dir, Command & Control.
Director, Information Technology Resources	Director, Sensor & Electronic Technology
Advanced Research Projects Agency (ARPA)	Director, ASTO.
	Dir Nuclear Monitoring Research OFC
	Deputy Director, ASTO.
	Deputy Director, Management.
	Dir Electronic Systems Technology Office.
	Dir Land Systems Office.
	Dir Sensor Technology Officer.
	Dir Microelectronics Technology.
	Dep Dir Micro Electronics Technology.
	Dir Martime Systems Technology.
	Chief, Advanced Technology.
	Executive Dir. Defense Science Office.
	Asst Dir. Sensors & Processing.
	Special Asst. Information Technology.
	Assistant Director, Intelligence & Targeting.
	Dep Dir for Warfare Info Technology.
	Deputy Director DARPA.
	Dep Dir (Battlefield Awareness).
Defense Sciences Office	Dir Defense Sciences Office.
	Assistant Director for Material Sciences.
Defense Manufacturing Office	Executive Director, M M Wave, Technology.
Contracts Management Office	Dir, Contracts Management Office.
Office of the Joint Chiefs of Staff	Dep Dir for Wargaming, Simulation & OPS
Ballistic Missle Defense Organization	Assoc Deputy for I & C Technology.
	Deputy for Program Operations.
	Director, Contracts Directorate.
	Dir Battle Magt Command Control & Commun.
	Deputy for Technology Readiness.
	Principal Dep for Acquisition Theater Mis Def.
Defense Contract Audit Agency	Director, DCAA.
	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir. Policy & Plans

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Director, Field Detachment.
Regional Managers	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.
	Dep Regional Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Deputy Regional Director, Western.
	Dep Reg Dir Mid Atlantic Region.
Defense Logistics Agency	Special Asst for Integrity in Contracting.
	Dir. Defense Manpower Data Center.
	Chief Actuary.
	Dep Gen Counsel (Acquisition & Contract Mgmt)
	Deputy Executive Director, Disrtribution.
	Dep Commander Defense Industrial Supply Ctr.
	Director CPMS.
Office of Deputy Director, Acquisition	Executive Dir. Contract MGMT Pol Acquisition.
	Assoc Dir for Operations Acquisition.
	Exec Dir. OPL Assessment & Programming Acq.
	Assoc Director, Acquisition (Acquisition).
Directorate of Quality Assurance	Deputy Commander.
OFC of Staff Dir—Small & Disadvantaged Business Until	Staff Dir. Small & Disadv Busin Utilization.
Office of Deputy Director, corporate administration	Executive director, Human Resources.
	Acquisition management advisor DLA chair.
	Logistics mgmt advr, DLA chair (ICAF).
Office of Deputy Director, material management	Executive director procurement.
	DEP executive director, supply management.
	Deputy commander.
	Deputy commander.
	Asst exec dir, syst, techn & intl programs.
	Executive director, logistics management.
	Assoc exec dir, pol, systems & engineering.
	Executive dir, business management.
	Executive dir, DLA logistics busin syst moder.
Directorate of tech & logistics services	Dir for infor tech.
Defense personnel support center	Deputy commander.
	DEP commander, DEF fuel supply center.
Defense training & performance data center	Deputy dir defense manpower data center.
Defense contract management	Executive director, program integration.
Defense information systems agency	DEP director for strategic plans & policy.
	Special Assistant for Liaison Activities.
	Professor of information science.
Office of the Director	Deputy manager national commun systems.
	Inspector general.
Directorate for strategic plans and policy	Chief information officer.
	DEP dir for operations.
National communications system	Asst mgr, NCS, technology & standards.
	Asst manager NCS plans & programs.
	Chief plans policy cust svcs & info assurance.
	Chief, technology & standards division.
DISA (field activity)	DEP commander interoperability & testing.
	Assoc DEP cmdr, center for software.
	Assoc D/D, functional info mgmt support dept.
	DEP commander, center for info syst security.
	DEP commander DISA westhem.
	Deputy commander center for standards.
	Chf, operational R & S technology management.
	DEP comm ctr for computer systems engineering.
	Deputy Commander for OPS, DISA Westhem.
	Assoc dir, joint interoperability eng org.
Directorate for C4 & Intelligence Programs	S/A to the DIR, CPSI for satllite com sys.
	Dir military satellite communications.
	Dir centr for systems intero & integration.
	DEP dir joint (IEO).
	Dir center for technical architecture.
	Tech DIR joint intero & eng comm (JIEO).
	Assoc DIR center for standards.
	Director, center for info systems security.
	Associate deputy director C41 programs.
	Deputy Dir C41 Integration support activity.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Tech dir adv info tech services joint prog.
	DEP dir for C41 programs.
	DEP dir for C41 modeling, simulation & assess.
Directorate for operations	Asst deputy dir for operations.
	Chief operational requirement customer service.
	Technical dir, space information syst office.
Directorate DISA, for logistics, F & S Projects	ADUSD (Space Systems & Architectures).
	Dir Defense Informtion Systems.
	Dep Dir, Logistics, Facilities & Special Proj.
	Dep Dir for Procurement & Logistics.
	Chief management support operations DISA west.
Directorate for Personnel and Manpower	Dep dir for personnel & manpower.
Direcorate for engineering & interoperability	Assoc dir for technical & management support.
	Dir, def information systems program org.
Direcorate for C4 Modeling, Simulation and Assessment	Deputy commander center for software.
Directorate for Enterprise Integration	Director, information management center.
	Director, technical integration office.
	Dir, Navy information resources management.
	Technical dir, Naval data automation command.
Comptroller Directorate	Comptroller.
Defense Nuclear Agency	Director for electronics and systems.
	Director for weapons effects.
	Chief, weapons lethality division.
	Chief, electronics technology division.
	Dir, Acquisition Management.
	Deputy Director, Operations Directorate.
	Deputy Director.
	Director for Test.
	Chief, Structural Dynamics Division.
	Dir for Tech applications.
	Assistant Director for Arms Control.
	Director for Information Systems.
	Chief, Simulation and Test Division.
	Deputy for Nuclear Matters.
	Director for Programs.
	Prog Dir, Hard Target Defeat Program Office.
	Program Director, Special Programs Office.
National Imagery and Mapping Agency	Deputy Director.
	Director, Installation & Management Group.
	Director, Planning & Analysis.
	Director, Procurement.
	Associate Director Operations Support.
	Director Human Resources.
	Director, Acquisition & Technology.
	Assoc Director, Customer Support Division.
	Asst Dir Customer Support/Modeling & Simulat.
	Assoc Dir, Eng & Maintenance Support Division.
	Assoc Dir, Interoperability Division.
	Assoc Director, Program Management Division.
	Associate Director, Support Staff.
	Asst Dir, Data Generation Div Eastern Office.
	Asst Dir, Data Generation Div Western OFC.
	Associate Director, Customer Services Div.
	Assoc Director, Data Generation Division.
	Director, Operations Group.
	Associate Dir, Customer Support Division.
	Assoc Director, International Operations Div.
	Associate Director, OG Support Staff.
	Associate Dir, Source Management Division.
	Asst Dir, Source Mgmt Div Eastern Office.
	Asst Dir, Source Mgmt Div Western Office.
	Assoc Director, Requirements & Operations.
	Dir, Requirements & Pol Integration Dir.
	Assoc Dir. Technology & Information.
	Spec Asst to the Dep Director, Corp Affairs.
	Assoc Dir, Contract Production Division.
	Chief, Geospatial IPT Office.
Defense Finance & Accounting Service	Deputy Director, Cleveland Center.
Defense Investigative Service	Dir, Defense Investigative Service.
	Deputy Director (Investigations).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dep Dir (Industrial Security).
	Deputy Director (Resources).
	Dep Dir (Investigations Control & Automation).
	Deputy Director, Dis.
	Special Asst to the Director.
Department of Air Force:	
Office of Administrative Assistant to the Secretary	Administrative Assistant.
Office of Small & Disadvantaged Business Utilization	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Inspector General	Dep Asst Inspector Gen/Spec Investigations.
Office of ASAF for Financial Management & Comptroller	Principal Dep Asst Secry (Financial Mgmt).
ODAS Budget	Deputy for Budget.
	Director of Budget Investment.
	Director of Budget Management & Execution.
ODAS Cost & Economics	Dep Asst Secy (Cost & Economics.
Office of ASAF for Acquisition	Principal Das (Acquisition & Mgmt).
Centralized Rfp Support Team Office	Assoc Dep Asst Secy (Transportation).
	Dir, Centralized Rfp Support Team.
	Assoc Dep Asst Secy (Info & Support Systems).
ODAS Research, Engineering & Industrial Policy	DAS (Research & Engineering).
	DAS (Science, Technology & Engineering).
ODAS Management Policy & Program Integration	Dep Asst Secy (Mgmt Pol & Prog Integration).
ODAS Contracting	Assoc Dep Asst Secy (Contracting).
Air Force Program Executive Office	AF Program Exec Officer, Info Systems.
	Air Force Prog Exec Ofcr, Conventional Strike.
	AF Prog Executive Officer Logistics Systems.
	AF Program Executive Officer Space.
OFC of ASAF for Manpower, Reserve Affairs, Install & Env	Dep for Air Force Review Boards.
ODAS Installations	Deputy for Installations Management.
Air Force Base Conversion Agency	Dir Air Force Base Conversion Agency.
Office of the Chief of Staff	Air Force Historian.
Test and Evaluation	Deputy Dir Test & Evaluation.
Assistant Chief of Staff, Communications & Information	Dir of Architectures Tech & Interoperability.
Deputy Chief of Staff, Installations & Logistics	Chief Modification & O&M Programs Division.
	Chief, Combat Support Division.
Civil Engineer	Deputy Civil Engineer.
Services	Dir of Res Mgmt & Dep Dir for MWR & Services.
Maintenance	Assoc Dir of Maintenance & Supply.
Logistics Support & Integration	Director of Concepts & Integration.
Field Operating Agencies	Dir AF Center for Environmental Excellence.
Programs	Associate Director of Programs & Evaluation.
Deputy Chief of Staff, Personnel	Asst Deputy Chief of Staff Personnel.
	Dir Civil Personnel Policy & Personnel Plans.
	Chief Air Force Personnel Operations Agency.
Field Operating Agencies	Assoc DCS/Personnel & Chief AFPOA.
Deputy Chief of Staff, Operations	Associate Director of Operations.
Personnel	Director, Personnel.
Contracting	Deputy Director Contracting.
	Dep DIR for Programs S & B Clearance.
Logistics	Deputy Director, Logistics.
Engineering & Technical Management	Director, Engineering & Technical Mgmt.
Financial Management & Comptroller	Dep Director, Financial Mgmt & Comptroller.
Corporate Information	Dir Corporate Information.
Plans & Programs	Deputy Director, Plans & Programs.
Space and Missile Systems Center	Executive Director.
	Director Contracting.
Phillips Laboratory	Deputy Director.
Geophysics Directorate	Dir, Space Physics Division.
Electronic Systems Center	Executive Director.
	Prog Dir for Air Base Decision Systems.
	Director, Engineering & Program Management.
	Director, Plans & Advanced Programs.
Plans and Programs Directorate	Dir Plans & Programs.
Command, Control and Communications Directorate	Dir Command Control Communications.
Standard Systems Group	Director, Standard System Group.
Aeronautical Systems Center	Executive Director.
	Director System Management.
	Dir Financial Management & Comptroller.
	Director Contracting.
Development Planning	Dir Advanced Systems Analysis.
Integrated Engineering & Tech Management	Dir Systems Engineering.
Directors of Engineering	Director of Engineering F–16.
	Dir of Engineering B–2.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dir of Engineering F–22.
	Dir of Engineering C–17.
	Director of Engineering Propulsion.
Systems Program Offices	Dir Program Integration & Analysis.
	Development System Manager Propulsion.
	Prog Dir Joint Air-To Surface Standoff Miss.
Wright Laboratory	Dir Manufacturing Technology.
	Dir, Plans & Programs Directorate.
Human Systems Center	Executive Director.
Arnold Engineering Development Center	Executive Director.
Air Force Development Test Center	Executive Director.
Air Force Flight Test Center	Executive Director.
Joint Logistics Systems Center	Dir Depot Maintenance.
	Dir Corporate Integration.
Air Logistics Center, San Antonio	Executive Director.
	Director, Financial Management.
	Product Group Manager, Propulsion Systems.
	Dir, Privatization & Realignment.
	Director, Contracting.
Air Logistics Center, Oklahoma City	Executive Director.
	Director, Financial Management.
	Director, Commodities Management.
	Director, Contracting.
Air Logistics Center, Warner Robins	Executive Director.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Logistics Center, Odgen	Executive Director.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Logistics Center, Sacramento	Executive Director.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Force Audit Agency	Auditor General of the Air Force.
	Asst Aud Gen (Acquisition & Log Audits).
	Asst Aud Gen (Field Activities).
	Asst Aud Gen (Operations).
	Asst Aud Gen (Financial & Support Audits).
Air Education & Training Command	Provost, Air University.
Air Mobility Command	Principal Dep Dir of Operations for Transport.
Air Force Reserves	Air Commander 4th Air Force.
	Air Commander 10th Air Force.
	Air Commander 22nd Air Force.
AF Space Command	Sr Scientist & Tech Advisor for AFspacecom.
AF Operational Test & Eval Ctr	Technical Director.
U.S. Central Command	Scientific Advisor.
U.S. Strategic Command	Assoc Dir for Strategic Planning.
	Dep Dir Comd Ctrl Comm Computer & Intel Sys.
U.S. Transportation Command	Dir, Program Analysis & Financial Mgmt.
Shape Technical Centre	Deputy Director.
Department of Army:	
Office of the Secretary	Special Asst to the Under Secretary.
Office Deputy Under Secretary of Army (OPS Research)	Spec Asst for Air & Missile Defense.
	Special Asst for Forces & Program Evaluation.
	Special Assistant for Systems.
	Special Assistant for Electronic Systems.
	Dir, Test and Evaluation Management Agency.
	Dir, U.S. Army Model I & S Management Agency.
Office Administrative Asst to the Sec of Army	Adm Asst to the Secy of the Army.
	Dep Admin Asst to the Secy of the Army.
Office of the General Counsel	Deputy General Counsel (Ethics & Fiscal(.
Ofc Asst Secretary Army (Civil Works)	Deputy ASA (Management & Budget).
	DAS of the Army (Policy & Legislation).
Ofc Asst Sec Army (Financial Management & Comptroller)	Assistant Deputy ASA for Army Budget.
	Deputy for Cost Analysis.
	Dir of Investment.
	DAS of the Army (Financial Operations).
	Spec Adv for Economic Pol & Productivity Prog.
	Director for Business Resources.
OASA (Installations, Logistics & Environment)	Dep for Programs & Install Assistance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Ofc Asst Sec Army (Manpower & Reserve Affairs)	Dep Dir for Civilian Personnel Mgmt & Ops.
	DAS (Army Rev Brds/EEO Complaints).
Ofc Asst Sec Army (Research, Development & Acquisition)	Deputy Asst Secy of the Army (Procurement).
	DAS for Res & Tech/Chief Scientist.
	Dep Asst Secy for Plans & Programs.
	Dep Dir US Contracting Support Agency.
	Director for Research.
	Director for Technology.
	Director for Assessment & Evaluation.
HQDA Army Acquisition Executive	Dep Prog Mgr for Chem Demilitarization Oper.
	Deputy PEO, Armored Systems Modernization.
	Dep Prog Exec Ofcr, Command & Control Systems.
	Deputy Prog Executive Officer Comm Systems.
	Program Executive Officer Stamis.
	Prog Exec Ofcr, Field Artillery Systems.
	Dep Program Executive Officer for Aviation.
	Dep PEO, Intelligence & Electronic Warfare.
	Prog Exec Ofcr, Tactical Wheeled Vehicles.
	Prog Executive Ofcr, Tactical Missiles.
	Deputy Prog Executive Ofcr, Missile Defense.
	Program Manager, National Missile Defense.
Ofc of Dir of Info Sys for Comm, Contl, Comms/Computers	Vice Director to the Disc4.
	Dir of Army Information.
	Dir, Ofc US Army Info Syst Sel & Acq Agency.
Army Audit Agency	The Auditor General.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Dir, Acquisition & Force Mgmt.
	Dir Audit Policy Plans and Resources.
Concepts Analysis Agency (OSCA FOA)	Dep Dir for Strategy & Resource Analysis.
Operations Test & Evaluation Command (OCSA FOA)	Tech Dir. Test & Exper Command.
USA Space & Strategic Def Comm Huntsvill (AL (OCSA FOA)	Chief, Battle Management Division.
	Prin Assistant Resp for Contracting.
	Assistant Director for Discrimination.
	Dir, Advanced Technology Directorate.
	Director, Systems Directorate.
	Director, Weapons Directorate.
	Dir Miss Def Battle Integration CTR.
Army Center of Military History (OCSA FOA)	Chief Historian.
Office, Assistant Chief of Staff for Installation MGMT	Dep Asst Chief of Staff for Installation Mgnt.
Office, Deputy Chief of Staff for Logistics	Asst Director for Supply Mgmt.
	Asst Dir for Maintenance Mgmt.
	Asst Dir for Transportation.
	Asst Dir for Energy & Troop Support.
	Director for Security Assistance.
	Director for Resources and Management.
	Executive Director, Strategic Logistic Logistics Agcy.
	Chief Aviation Logistics Office.
Office Dep Chf of Staff for Operations & Plans	Tech Adv to the DCSOPS.
	Dir. U.S. Army Nuclear & Chemical Agency.
Office, Dep Chief of Staff for Personnel	Director of Manprint.
	ADCSPER (Army Civilians).
Army Research Institute (DCSPER FOA)	Dir, US Army Res Inst & Chief Psychologist.
	Dir, Manp & Pers Res Lab & Assoc Dir. ARI.
National Guard Bureau	Program Manager, Res Comp Auto Sys
Water Reed Army Institute of Research	Chief Dept of Pharmacology.
Training and Doctrine Command (TRADOC)	Scientific Advisor to CG.
	Asst Deputy Chief of Staff for Resources Mgmt.
	ADCOS for Training Policy Plans and Programs.
	Deputy to the Commanding Gen, CASCOM.
	Asst Dep Chief of Staff for Base Ops support.
	Asst Dep Chief of Staff for Combat Develop.
Tradoc Analysis Center	Director of Operations.
National Simulations Center	Technical Director National Simulations Ctr.
Military Traffic Mgmt Command	Deputy to the Commander.
	Special Asst for Transportation Engineering.
U.S. Army Forces Command	Deputy Director Resource Management.
	Asst DCS for Pers & Inst Mgmt.
U.S. Army Corps of Engineers	Dir of Real Estate.
	Director of Human Resources.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Director Resource Management.
	Director, U.S. Army Center for Public Works.
	Principal Asst Reponsible for Contracting.
	Dep to the Commander for Prog & Tech Mgnt.
Directorate of Research & Development	Asst to Chf of Eng for R & D Dir R & D Dir.
	Asst Dir for Research & Dev (civil works prog).
	Asst Dir Research & Dev (Military Prog).
Directorate of Civil Works	Deputy Director, Civil Works.
	Chief, Programs Management Division.
	Chief, Planning Division.
	Chief Engineering Division.
	Chf, Ops, Construction & Readiness Division.
	Chief Policy Review & Analysis Division.
Directorate of Military Programs	Deputy Director, Military Programs.
	Chief Construction Division.
	Chief, Engineering Division.
	Chief, Programs Management Division.
	Chief, Environmental Restoration Division.
Directors of Programs Management	Dir Programs Management, LMVD.
	Director of Programs Mgnt.
	Dir Programs Management, NAD.
	Director of Programs Management.
	Dir Programs Management, NPD.
	Dir Programs Management, ORD.
	Dir Programs Management, POD.
	Dir of Programs Management, SAD.
	Dir Programs Management, SPD.
	Dir Programs Management, SWD.
Directors of Engineering & Technical Services	Dir Engineering & Technical Services, LMVD.
	Dir Engineering & Technical Services, MRD.
	Dir Engineering & Technical Services, NAD.
	Dir Engineering & Technical Services, NAD.
	Dir Engineering & Technical Services, NPD.
	Dir Engineering & Technical Services, ORD.
	Dir Engineering & Technical Services, POD.
	Dir Engineering & Technical Services, SAD.
	Dir Engineering & Technical Services, SPD.
	Dir of Engineering & Technical Services, SWD.
Engineer Waterways Experiment Station, COE	Dir Waterways Experiment Station
	Director, Geotechnical Laboratory.
	Director Hydraulics Laboratory.
	Director Environmental LAB.
	Director, Structures Laboratory.
	Director Coastal Engineering Research Center.
Engineer Topographic Laboratories, C of Engineers	Director.
	Associate Director of Technology.
Construction Engineering Res Lab Champaign, IL	Director.
Cold Regions Research & Engineering Lab Hanover, NH	Director.
Office of DCS for Logistics & Operations	Asst Dep Chief of Staff for Logs & Operations.
	Exec Director, Logistics Support Activity.
Special Analysis Office	Chief Special Analysis Office.
Office Deputy Commanding General	Principal Deputy for Logistics.
	Principal Deputy for Acquisition.
	Principal Deputy for Technology.
Army Research Office (AMC)	Director.
	Dir, Electronics Division.
	Director, Materials Science Division.
	Dir Physics Div.
	Dir, Mathematical & Computer Sciences Div.
	Dir, Eng & Environmental Sciences Division.
	Dir, Research & Technology Integration.
	Dir Chem & Bio Sci Div.
Office of DCS for Research Dev and Engineering	ADCS for Res, D & E for Technol & Eng.
Office of Deputy Chief of Staff for Ammunition	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Acquisition	Asst Dep Chf of Staff for Acq & Contract.
Office of Deputy Chief of Staff for Personnel	Dep Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	Deputy Chief of Staff for Resource Management.
	ADCS for Resource Mgmt/Exec Dir for Busin.
USA Security Assistance Command	Deputy.
US Army Industrial Operations Command	Dir, U.S. Army Def Ammunition Center & School.
U.S. Army Chemical & Biological Defense Command	Deputy to the Commander.
US Army C & B Def Command (CBDCOM)—Edgewood RD&E Center.	Director, Engineering Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dir, Res & Technology Directorate.
	Technical Director.
US Army Aviation & Troop Command (ATCOM)	Deputy to the Commander.
	Exec Dir—US Army Aviation RD & E Center.
	Director of Engineering.
	Dir of Aeroflight Dynamics.
	Executive Director, Acquisition Center.
	Dir of Advanced Syst/Assoc Dir for Technol.
	Assoc Dir for Tech Appl/Dir of Spec Prog.
	Exec Dir, Integrated Materiel Mgmt Center.
U.S. Army Soldier Systems Command	Deputy to the Commander.
Natick Research Development & Engineering Center	Director, Natick RD & E Center.
	Dir, Individual Protection Directorate.
	Director, Soldier Science Directorate.
US Army Communications Elect Comd (CECOM)	Deputy to the Commander.
	Comptroller.
	Director C3I Acquisition Center.
CECOM Research, Development & Engineering Center	Director/Army Systems Engineer.
	Dir, Space & Terrestrial Comm Directorate.
	Dir, E/W, Reconnaissance, Surveillance, TAD.
	Dir, I & E Warfare Directorate.
	Dir, Software Engineering Directorate.
	Dir for C4I Log & Readiness Center.
	Assoc Tech Dir Resech Devel & Engineering Ctr.
U.S. Army Research Laboratory	Director US. Army Research Laboratory.
	ADCS for Technology Planning & Management.
	Director Sensors Directorate.
	Dir, Information Sci & Technology Directorate.
Organization Abolished	Dir Operations Directorate.
Advanced Concepts & Plans Directorate	Dir Advanced Concepts & Plans Directorate.
Electronics & Powers Sources Directorate	Director.
Battlefield Environment Directorate	Director.
Survivability/Lethality Analysis Directorate	Director.
	Chief, Ballistic Vulnerability Division.
Vehicle Structures Directorate	Director.
Advanced Computing & Information Sciences Directorate	Director.
US Army Weapons Technology Directorate	Director.
	Chief, Propulsion & Flight Division.
	Chief, Terminal Effects Division.
	Chief, Weapons Concepts Division.
Human Research and Engineering Directorate (ARL)	Director, Human R & E Directorate.
US Army Materials Directorate (ARL)	Director.
US Army Missile Command (MICOM)	Deputy to the Commander.
	Director, Acquisition Center.
	Dir, Integrated Materiel Mgmt Center.
	Deputy Executive Director for TMDE.
Research Development & Engineering Center (RDEC)	Tech Dir for M & D, Res, Dev & Eng Center.
	Dir for System Engineering & Production.
	Director for Advanced Sensors.
	Director for Propulsion.
	Dir for Systems Simulation & Development.
	Associate Director for Systems.
	Assoc Director for Product Assurance.
	Director for Weapons Sciences.
	Dir for Missile Guidance.
Tank-Automotive and Armaments Comd (TACOM)	Deputy to the Commander.
	Director of Resource Mgt.
	Director of Acquisition Center.
	Director, Integrated Materiel Mgmt Center.
	Dir U S Army Arament & Chemical Acq Logis Act.
Tank-Automotive Res, D & E Center (TARDEC)	President/Director.
	Vice President for Research.
	Vice President for Customer Engineering.
	Vice President for Product Development.
US Army Armament Research, D & E Center (ARDEC)	Technical Director for Armament.
	A/Tech/Dir (Systems Concepts & Technology).
	A/Tech/Dir (Sys Development & Engineering.
	Assoc Tech Dir (Producib & Process Technol).
Armament Engineering Directorate	Director, Armament Engineering Directorate.
	Chf, Energetics & Warheads Division.
Fire Support Armaments Centers	Dep Director Fire Support Armaments Center.
Close Combat Armaments Center	Deputy Director, Close Combat Armament Ctr.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
US Army Simulation, Training & Instrumentation Command	Deputy to the Commander.
US Army Test and Evaluation Command, (TECOM)	Dir, Redstone Technical Test Center.
	Tech Dir & Chf Sci.
	Dir for Test and Assessment.
	Dir, Joint Prog Ofc for Test & Evaluation.
US Army Materiel Systems Analysis Activity	Director.
	Chief, Combat Integration Division.
	Chief, Combat Evaluation Division.
	Chief, Reliability Analysis Division.
	Chf, Ground Warfare Division—AMSAA.
Army Information Systems Command	Deputy Chief of Staff for Resource Management.
	Technical Director/Chief Engineer.
	Technical Director, ISEC.
	Director of Operations.
Headquarters, US Army, Europe	Asst Dep Chf of Staff, Personnel (CIV PERS).
	Asst Dept Chief of Staff Eng for Eng & Housing.
	Asst Dep Chf of Staff, Resource Mgmt USAREUR.
	Asst Dep Chf Staff for Eng (Intl Affairs).
U.S. Army Special Operations Command	Dir of Force Development & Integration.
NATO ACISA	Asst Dir, Command, Control and Comms Syst.
Organization Abolished	Principal Deputy to the Commander.
National Defense University	Dir, Information Resources Management College.
U.S. Southern Command	Spec Asst for Technology & Requirements Integ.
Department of Navy:	
Office of the Under Secretary of the Navy	Assistant for Administration.
Office of the Auditor General	Auditor General of the Navy.
Naval Audit Service	Eastern U.S. Audit Services Facilitator.
	Director, Plans and Policy.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Director, Audit Operations.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs)	Dir, Human Resources Operations Center.
Office of Civilian Personnel Management	Dir, Civilian Personnel Programs Division.
	Dir, Ofc of Civilian Personnel Management.
	Associate Director (OCPM–30).
	Associate Director (OCPM–20).
	Associate Director (OCPM–10).
OAS of the Navy (Research, Dev & Acquisition)	Director, Navy Acquisition R&S Improvement.
	Director, Procurement Policy.
	Head, Contract Policy.
	Dir, Intl Agreements, TTSARB & Special Proj.
	Director, Acquisition Career Management.
	Director for AAW & Strike Air Programs.
	Dir, Navy International Programs Office.
	Dep Dir Navy International Programs Office.
Program Executive Officers	Chief Engineer Theater Air Defense.
	Dep Prog Exec Ofcr for Tactical Air Progs.
	Director, Plans & Programs Division.
	Head Fire Control Section.
	Head Operations Engineering Section.
	Test & Instrumentation Branch Engineer.
	Chf Engr, Missile Branch.
	Chf Engr.
	Asst for Fire Control & Guidance Systems.
	Branch Head, Reentry Systems Branch.
	Dep P/E Office for Unmanned Aerial Vehicles.
	Dep Prog Exec Officer for Theater Air Defense.
	Technical Plans Officer.
	Head, Res Branch & De Dir, Plans & Progs Div.
	Assistant for Missile Engineering Systems.
	Dep P/E Officer for Cruise Missiles Program.
	Prog Manger for Comm Satellite Programs.
	Dep Prog Officer Submarines.
	Program Executive Officer, Undersea Warfare.
	Asst for Systems Integration & Compatibility.
	Dep Prog Exec Ofcr for Tactical Air Programs.
	Deputy Peo, Mine Warfare.
	Prog Exec Officer for Space Comms & Sensors.
	AEGIS Deputy Program Manager.
	Prog Exec Officer ASW Assault & Spec Miss Pro.
	Chief Engineer, Peo, SCS.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Program Manager Ship Self Defense.
Ofc of the Asst Secy of Navy (Fin Mgmt Comptroller)	Assoc Dir, Budget & Reports/Fiscal Manag Div.
	Asst General Counsel (Financial Management).
	Dir, Investment & Dev Div.
	Dir, Financial Mgmt Pol & Systems Division.
	Dir, Ofc of Fin Mgt Syst.
	Dir, Budget Evaluation Group.
	Dir Resource Allocation & Analysis Division.
	Director, Financial Management Division.
	Director, Civilian-Contractor Manpower Div.
Naval Center for Cost Analysis	Dir Naval Center for Cost Analysis.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Asst Gen Coun (Res, Dev & Acquisition).
	Special Counsel for Litigation.
	Asst General Counsel (Install & Environment).
	Assist Gen Coun (Manpower & Reserve Affairs).
Naval Criminal Investigative Service	Dir Naval Criminal Invest Service.
	Asst Dir of Counterintelligence.
	Special Agent in Charge Norfolk Field Ofc.
	Special Agent in Charge.
	Asst Dir of Criminal Investigation.
	Deputy Director, NCIS.
Chief of Naval Operations	Asst Dep Chf of Naval Operations (Logistics).
	Techn Dir, Pentagon S/A Info Technol Services.
	Dep Dir of Naval Training.
	Asst Dep Chief Naval Oper Res Warfare.
	Head, Studies & Analysis Branch.
	Associate Director, Assessment Division.
	Tech Dir, Submarine & SSBN Security program.
	Technical Director.
	Advisor for Research & Development Programs.
	Executive Assistant.
	Dep Dir, Supportability, M & M Division.
	Deputy Director for Programming.
	Head Assessment & Affordability Branch.
	Assoc Dir, Expeditionary Warfare Division.
	Dir Naval History/Dir, Naval Historical Ctr.
	Special Asst for Technology and Analysis.
	Head Deep Submergence Systems Branch.
	Dep Dir Envir Protection Safety Occp Heal Div.
	Director Strategic Sealift Division.
	Asst for Educational Resources.
Bureau of Naval Personnel	ACNP for MPN Financial Management.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt & Comptroller.
Military Sealift Command	Counsel.
	Comptroller.
	Deputy Commander.
	Asst Dep Comdr for Business Operations.
Naval Oceanography Command	Technical/Deputy Director.
OFC of Commander in Chf/Allied Forces/Southern Eur	Dir Joint Train Analysis & Simulation Ctr.
	Dep Dir Fleet Maintenance.
	Deputy Director Shore Activities Readiness.
	Dir Warfare Programs & Readiness.
Ofc of the Commander-in-Chief, U.S. Pacific Command	Chief, Research & Analysis.
CINCPACFLT	Deputy Director Fleet Maintenance.
	Deputy Director Shore Installation Management.
	Associate Director Resources Req & Assessment.
Ofc of the Chief of Naval Education and Training	Comptroller.
Naval Air Systems Command Headquarters	Standards Improvement Executive.
	Executive Dir, Corporate Operations.
	Exec Dir for Industrial Capabilities.
	Executive Director for Logistics.
	Executive Director for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Assoc Director Weapons Sys Eng Division.
	Deputy Head, Avionics Dept.
	Deputy Head Air Vehicle Dep.
	Dep Head Logistics Management.
	Head, Tactical A & M Contracts Department.
	Head Aircraft Support Dept.
	Head Cost Department.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Deputy Acquisition Executive.
	Executive Director for Engineering.
	Dir Industrial Operations.
	Head Concepts Analysis Evaluation Plan Dept.
	Head Propulsion & Power Systems Dept.
	Dep Head Aircraft Sys Engineering Department.
	Head Logistics Support Department.
	Deputy Commander, Naval Air Sys Command.
	Head, Cruise M & U Aerial Vehicles Dept.
	Dir Budget Formulation Justification Exe Div.
	Deputy Counsel, NAVAIR.
	Executive Dir for Industrial Capabilities.
	Dir Naval Aviation Science & Tech Office.
	Asst Commander for Corporate Operations.
	Dir, Technology Maturation Directorate.
	Head Air ASW Assault & Special Mission Prog.
	Chief Scientist/Technologist.
	Special Asst for Navy Test & Evaluation.
Organization Abolished	Technical Director.
Naval Air Warfare Center Aircraft Division Warminster	Head, Air Vehicle Department.
Naval Air Warfare Center Aircraft Division Lakehurst	Director, Engineering Competency.
	Chief Engineer.
Navy Air Warfare Center Aircraft Division	Exec Dir, T & E Group NAWC—Aircraft Div.
	Head, Avionics Department.
	Dir of Atlantic Ranges & Facilities Dept.
	Dep Commander, NAWC—Aircraft Division.
Naval Air Warfare Center Aircraft Div Indianapolis	Head, Systems Engineering Depart.
	Head Program Management Competency.
	Head, Industrial Competency.
Naval Air Warfare Center Weapons Div, Pt. Mugu, CA	Head Test Evaluation Engineering Department.
	Head, Syst Engineering Department.
	Director for Test & Evaluation.
	Head, Threat/Target Syst Depart.
Naval Air Warfare Center Weapons Div. China Lake, CA	Head, Res and Technology Division.
	Head, Pacific Ranges & Facilities Depart.
	Head, Avionics Dept.
	Head, Weapons/Target Dept.
	Dir, Aircraft Weapons Systems Directorate.
	Dir for Eng, NAWC-Weapons Directorate.
	Director of Corporate Operations.
Naval Training Systems Center	Executive Director.
	Dir of Acq, Analysis, Engineering & Research.
Space & Naval Warfare Systems Command	Exec Dir, Contracts.
	Deputy Comptroller.
	Counsel Space & Naval Warfare Systems Com.
	Chief eng Comms Sys Program Directorate.
	Chief Engineer Command Sys Prog Directorate.
	Assoc Tech Dir for Research & Technology.
	Exec Dir, Space Technology Directorate.
	Exec Dir, Undersea Surveillance Prog Dir.
	Chief Eng Undersea Surveillance Prog Dir.
	Dir of Tech Head Engineering Tech Group.
	Director, Information Systems Security Office.
	Executive Dir C41 Systems Directorate.
	Chief Eng SPAWAR.
	Exec Dir, NWSAED.
	Prog Dir, I & E Warfare Syst Program Dir.
	Asst Comdr for POL, OPS & Acq Support Direct.
	Deputy Commander.
Naval Command Control & Ocean Surveillance Center	Technical Director.
Naval Command C & O Surveillance Ctr. RDT&E Division	Head, Surveillance Dept.
	Executive Director.
	Head: Navigation & Air C3 Department.
	Head, Command and Control Department.
	Dep Exec Dir Sci Tech Engineering.
	Head, Communication Department.
Nav Command Control & Ocean Surveil Comm West Cost Div	Executive Director West Coast ISE.
	Dir Naval Space & Electronic Warfare/C4ISR.
East Coast ISE Division	Executive Director East Coast.
Naval Facilities Engineering Command	Senior Executive for Public Works Support.
	Counsel Naval Facilities Engineering Command.
	Deputy Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Naval Sea Systems Command	Director for Contracts Support.
	Chief Engineer.
	Dir of Real Estate Support.
	Dir of Base Closure.
	Director for Environment.
	Director, Planning & Engineering Support.
	Executive Director.
	Asst Deputy Commander for Contracts.
	Counsel Naval Sea Systems Command.
	Asst Dep Commander for Contracts.
	Dep Prog Mgr & Tech Dir, PMS396B.
	Executive Director/Deputy Comptroller.
	Prog Mgr, Mine Warfare Ship Program.
	Dir, Submarine Systems (S5W & S8G) Division.
	Director, Reactor Materials Divisions.
	Director, Secondary Plant Components Division.
	Head, Advanced Reactor Branch.
	Dir Naval Architecture Group.
	Dep Dir Surface Ship Design & Sys Eng Group.
	Director cost Estimating & Analysis.
	Dir, Shipbuilding Contracts Division.
	Exec Dir, Industrial & Facility Mgmt Dir.
	Executive Director, Surface Ship Directorate.
	Exec Dir Submarine Directorate.
	Director, Warfare Systems Group.
	Director, Corporate Operations.
	Deputy Commander for Fleet Logistics Support.
	Dep Prog Mgr/Techn Dir, New Attack Submarines.
	Dep Prog Manager Tech Dir Attack Subm Prog.
	Dep Program Mgr, Surface Ship Prog Mgmt Ofc.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Dir, Environmental Engineering Group.
	Dir Reactor Plant Components Auxil Equip Div.
	Director For Submarine Refuelings.
	Dir Surface Ship Systems Division.
	Deputy Director, Nuclear Components Div.
	Dir, Reactor Plant Safety & Analysis Division.
	Dir, Ship S & S Integrity Group.
	Dir Power Systems Group.
	Director, Materials Engineering Office.
	Dir Electrical Engineering Group.
	Exec Dir, Ship Design & Engrng Directorate.
	Prog Mgr, Amphibious W & S Sealift Program.
	Dir, Naval Shipyard Mgt Group.
	Program Manager for Commissioned Submarines.
	Command Asst for Human Resources Prog & Dir.
	Dir, Surface Systems Contracts Division.
	Assoc Director for Regulatory Affairs.
	Asst Dep Commander, Surface & Area AAW Syst.
	Director, Office of Resource Management.
	Dir, Reactor Refueling Division.
	Deputy Counsel, Naval Sea Systems Command.
	Dir Environmental Protection Office.
	Director, Ship Signatures Group.
	Director, Auxiliary Systems Group.
	Dir, Combat Systems Design & Eng Group.
	Program Manager, Strategic Sealift Prog Ofc.
	Dir, Ship Availability Plnng & Eng Center.
Naval Ordnance Center	Deputy Commander, Naval Ordnance Center.
Norfolk Naval Shipyard	Naval Shipyard Nuclear Eng Manager.
	Naval Shipyard Nuclear Eng Mgr Puget Nal Ship.
Naval Surface Warfare Center	Technical Director.
Naval Undersea Warfare Center	Technical Director.
Naval Surface Warfare Center, Crane Division	Executive Director.
	Executive Director.
Naval Undersea Warfare Center Div, Keyport, WA	Executive Director.
	Chf Res Scientist (Arctic Submarine Tech.
Naval Surface Warfare Center, Pt. Hueneme Division	Executive Director.
Naval Surface Warfare Center, Indian Head Division	Director.
Coastal Systems Station	Executive Director.
	Head, Coastal Sci, Technology & Analysis Dept.
	Head, Coastal Warfare Systems Department.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Naval Surface Warfare Center, Carderock Division	Director.
	Assoc Dir for Hydromechanics/Head, HD.
	Assoc Dir for Business OPS/HBD.
	Assoc Dir for Syst/P & H Ship S/P Directorate.
	Assoc Dir for Ship A/E S/H S/Directorate.
	Assoc Dir for SS & M/HSS & M Directorate.
	Assoc Dir for Mise/HMIS Eng Directorate.
Naval Surface Warfare Center, Dahlgren Division	Exec Director.
	Head, Strategic & Space Systems Department.
	Head, Weapons Systems Department.
	Head, Combat Systems Department.
	Head, Ship Defense Systems Department.
	Deputy Executive Director/Business Manager.
	Head, Strike Systems Department.
	Head, Systems Res & Technology Department.
	Head, Warfare Systems Department.
	Head, Warfare Analysis Department.
Naval Undersea Warfare Center Division, Newport, RI	Head, Submarine Sonar Department.
	Executive Director.
	Head Test and Evaluation Dept.
	Superintendent Underwater Sound Ref Div.
	Director for Submarine Combat Systems.
	Director, Submarine Warfare Systems.
	Director, Surface Anti-Submarine Warfare.
	Hd, Submarine Electromagnetic Sys Dept.
	Head Combat Control Systems Department.
	Head Combat Systems Analysis Department.
Naval Supply Systems Command Hdqtrs	Dir Plans Programs & Resources.
	Counsel.
	Dir, Defense Printing Serv/Dep Comdr, Navsup.
	Competition Advoctate Gen/Adc. Contracting Mgr.
	Director of Contracting for Special Programs.
	Assistant Commander for Fleet Logistics Ops.
	Dir Info Tech Initiatives Division.
	Executive Director.
Naval Inventory Control Point	Executive Dir Logistics Planning & Support.
	Executive Dir. Acquisition & Strategic Plnng.
	Vice Commander.
Navy Fleet Material Support Office	Exec Dir. ADP System Planning and Development.
U.S. Marine Corps Headquarters Office	Dep Dir Facilities & Services Division.
	Fiscal Dir of the Marine Corps.
	Dir Contracts Division.
	Counsel for the Commandant.
	Deputy counsel for the Commandant.
	Director of Administration and Resources.
	Asst Dep Chf for Prog & Resourc Fiscal Div.
	Asst Dep Chf of Staff for Installations & Log.
	Asst to the Dep Chf of Staff for M & R Affs.
	Asst Dep Chf of Staff For Requirements & Prog.
Marine Corps Systems Command	Executive Director.
	Deputy for Financial Management.
Marine Corps Logistics Base Albany Ga	Deputy Commander for Logistics Operations.
Office of Naval Research	Dir. Ship Structures & Systems S&T Div.
	Dir. Mechanics & Energy Conversion S&T Div.
	Dep Chief Nav Res & Tech Dir Ofc of Nav Res.
	Head Special Programs Department.
	Executive Dir for Acquisition Management.
	Dir Financial Management Comptroller.
	Deputy Counsel (Intellectual Property).
	Counsel, Office of Naval Research.
	Head Engineering.
	Dir Strike Technology Division.
	Dir Math Computer & Information Science Div.
	Director, OAS Sci & Technol M & P Division.
	Dir Science & Technology Directorate.
	Dir OAS At Sensing & Systems Division.
	Head Industrial Programs Department.
	Dir Chemistry & Physics Sci & Tech Div.
	Dep Dir Science & Technology Directorate.
	Dir Cognitive & Neural Science & Tech Div.
	Head Personnel Optimization Bio Sci & Tec Dep.
	Dir Biological & Biomedical Science & Tech Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Head Info Electronics & Surveil Sci Tech Dept.
	Dir of Surveillance Communications Electronic.
	Director, Electronics Division.
	Assoc for Integration OAS St Modeling Pred Dv.
	Head Ocean Atmosphere Space Sci Tech Dept.
	Dir Reliance Sci Opportunities Prog Intell.
	Dir Materials Sci and Technology Division.
	Assoc For Integration OAS St Sensing Sys Div.
NATO SACLANT ASW Research Center	Director NATO SACLANT ASW Research Center.
Naval Research Laboratory	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Supt Materials Sci and Tech Division.
	Superintendent, Plasma Physics Div.
	Supt Condensed Matter & Radiation Sci Div.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Info Technol Div.
	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Superintendent Space Science Div.
	Supt. Radar Div.
	Supt. Acoustics Div.
	Superintendent Electronics Technology Div.
	Supt. Tactical Electronic Warfare Div.
	Chief Scientist Lab for Compt Phy Fluid Dynam.
	Chf Scientist & Head, Solar Physics Program.
	Superintendent, Remote Sensing Division.
	Assoc Dir of Res for Business Operations.
	Chief Sci & Head, Beam Physics Program.
	Superintendent, Marine Meteorology Division.
	Mgr, Joint Space Systems Technology Programs.
	Assoc Dir Res for Ocean & Atmospheric Sci Tec.
	Superintendent Ctr Bio/Molecular Science Eng.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Res for Warfare Sys & Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Oceanography Division.
	Superintendent, Spacecraft Engineering Dep.
	Scientific Advisor to Naval Doctrine Command.
	Dir, Naval Center for Space Technology.
	Superintendent, Marine Geosciences Division.
Defense Nuclear Facilities Safety Board	Asst Dir for Sys Analysis & Integration.
	Asst Dir for Operational Safety.
	Asst Dir for Engineering Develop & Technology.
	Asst Dir for Standards Develop & Implement.
	Dep Gen Counsel for Pol & Litigation.
	Chief Radiation & Environmental Safety.
	Deputy General Manager.
	Asst Dir for Process Engineering.
Department of Education:	
Chief Financial Officer	Director, Grants and Contracts Service.
	Dep Chf Fin Ofcr/Dir Financial Services.
	Director, Fin Rep & Systems Operations.
Office of Management	Chairperson, Education Appeal Board.
	Dir Human Resources Group.
Inspector General	Assistant Inspector General for Audits.
	Asst Insp Gen for Policy Plng & Mgmt Serv.
	Asst Inspector General for Investigation.
	Dep Asst Insp Gen for Audit Operations.
	Dep Asst Inspector Gen for Techn Audit Svc.
	Associate Inspector General.
	Dep Asst Inspector General for Investigation.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Asst Inspector General for Operations.
	Asst Inspector General for Operations.
General Counsel	Asst Gen Coun for Busin & Adm Law.
	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed & Ed Res.
National Center for Education Statistics	Assoc Commr/Surveys & Cooperative Syst Group.
	Assoc Commr for Data D & L Studies Group.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Assoc Commissioner Assessment Group.
Department of Energy:	
Office of Chief Financial Officer	Dir Ofc of Budget.
	Dep Dir Ofc of Budget.
	Dir Ofc of Headquarters Accounting Operations.
	Director, Budget Operations Division.
	Dir Ofc of Dep Accounting & Fin Sys Dev.
	Dir Ofc of Financial Policy.
	Dir Ofc Compliance and Audit Liaison.
	Deputy Controller.
	Controller.
Asst Secy for Defense Programs	Assoc Dep Asst Secy for Military Application.
	Nuclear Weapons Complex Project Manager.
	Assoc Das for Human & Administrative Res.
	Assoc Das for Program A & F Management.
Asst Secy for Energy Efficiency & Renewable Energy.	Dir. Wind/Hydro/Ocean Technology Division.
	Assoc Dep Asst Secretary for Utility Tech.
	Manager, Golden Field Office.
Asst Secy for Environment, Safety & Health	Dir Nuclear Safety Enforcement Division.
	Dep Dir Invest Nuclear Safety Enforcement Div.
	Deputy Director Ofc of ES&H Evalutions.
Organization Abolished	Director, Office of Environmental Audit.
Energy Information Administration	Director, EIA–ADP Services Staff.
	Dir. Ofc of Oil and Gas.
	Director Petroleum Supply Division.
	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Director, Ofc of Energy Markets & End Use.
	Director Economics & Statistics Division.
	Dir Ofc of Statistical Standards.
	Director Quality Assurance Division.
	Dir Reserves and Natural Gas Division.
	Director Petroleum Marketing Division.
	Dir, Ofc of Integration Nal & Forecasting.
	Dir, EEUISD.
	Dir, Energy Supply & Conversion Div.
	Dir, Analysts & Systems Div.
	Dir, Energy Markets & Contingency Info Div.
	Dir, Survey Mgmt Div.
Asst Secy for Environmental Management	Director, Office of Research & Development.
Office of Energy Research	Dir, Chem Sci Div.
	Dir, Mat Sci Div.
	Dir, High En Physics Div.
	Dir, Health Effects Research Division.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, International Programs Staff.
	Dir, Confinement Systems Div.
	Assoc Dir Ofc of Computational & Tech Research.
Organization Abolished	Dir, Engr Math and Geo Sci Div.
Office of Science Education & Technical Information	Dir for University & Science Ed Prog.
Office of Fossil Energy	Director, Ofc of Resource Management.
Associate DS for Field Management	Manager Strategic Planning.
	Dir, Ofc of Resource Management & Services.
Albuquerque Operations Office	Dir, Weapons Quality Division.
	Dir, Transportation Safeguards Div.
	Dir, Production Assurance & Ops Division.
	Dir, Weapons Programs Div.
	Dir, of Emergency Plans & Operations.
	Asst Manager.
	Carlsbad Area Office Manager.
	Chief Financial Officer.
Chicago Operations Office	Acquisition & Asst Group Manager.
	Area Manager Batavia Area Office.
Idaho Operations Office	Chief Financial Officer.
	Asst Mgr Ofc of Program Execution.
	Asst Manager, Ofc of Pol, A & R Management.
	Asst Manager for Applied E & T Transfer.
Nevada Operations Office	Chief Counsel.
	Asst Manager for Business & Financial Service.
Ohio Field Office	Manager Ohio Field Ofc.
Oakland Operations Office	Asst Mgr for Admin.
	Field Chf Fin Officer and Business Manager.
	Assoc Manager for Site Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Oak Ridge Operations Office	Asst Manager for Administration.
	Chief Financial Officer.
Rocky Flats Office	Manager, Rocky Flats Field Office.
	Deputy Manager, Rocky Flats Field Office.
	Asst Manager for Government Operations.
	Asst Mgr for Project Management & Engineering.
Richland Operations Office	Asst Mgr Business Mgmt & Chief Fin Ofcr.
	Source Evaluation Board Advisor.
Savannah River Operations Office	Asst Mgr for Admin.
	Chief Financial Officer.
	Asst Manager for Business & Logistics.
Office of Hearings & Appeals	Dep Dir for Legal Analysts.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Asst Secy for Human Resources & Administration	Dir Ofc of Industrial Relations.
	Dir, Hq Personnel Operations Div.
	Dir, Ofc of Admin Svcs.
	Assoc DAS for Headquarters Procurement Ops.
	Associate Dir, Office of Resource Mgmt.
	Dep Dir of Administrative Services (Wash, DC).
	Dir, Ofc of Organization & Management.
	Dir, Ofc of Contractor Mgmt & Admin.
	Dir, Ofc Policy.
	Dir, Ofc of Special Proj & Mgmt Systems.
	Dir, Ofc of Executive & Technical Resources.
Office of Inspector General	Asst Inspector General for Investigations.
	Manager, Western Regional Audit Office.
	Director, Audit Policy, Plans & Programs.
	Manager, Eastern Regional Audit Office.
	Dir, Capitol Regional Audit Office.
	Deputy Asst Inspector Gen for Investigations.
	Spec Asst for Policy and Planning.
	Counsel to the Inspector General.
	Dir, Office of Contractor Employee Protection.
	Asst Inspector General for Resource Mgmt.
	Principal Deputy Inspector General.
	Assistant Inspector General for Audits.
	Deputy Inspector General for Inspections.
	Deputy Inspector General for Audits.
Office of Fissile Materials Disposition	Deputy Director.
Office of Nuclear Energy, Science & Technology	Dir Submarine Systems Div.
	Dir Instrumentation & Control Div.
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Sr. Naval Reactors Rep. (Nwpt News).
	Senior Naval Reactors Rep (Pearl Harbor).
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Asst Manager for Operations.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, Idaho Branch Office.
	Prog Manager for Advanced Submarines.
	Dir Isotope Production & Distribution Prog.
	Asst Manager for Operations.
	Senior Naval Reactors Representative.
	Engel Walter P.
	Director Acquisition Division.
	Director for Submarine Refuelings.
	Senior Naval Reactors Representative.
	Dep Program Mgr for Commissioned Subs.
	Prog Mgr Prototype & Mooored Training Ship.
	Assoc Dir., Ofc of Isotope P & D.
Office of Nonproliferation and National Security	Dir Ofc of Classification & Technology.
	Dir Ofc of Security Affairs.
	Dep Dir, Ofc of Security Affairs.
Western Area Power Administration	Chief Administrative Officer.
	Chief Financial Officer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Environmental Protection Agency:	
Office of Small and Disadvantaged Business Utilization	Deputy Dir, Ofc of Small & Disadv Busin Util.
Ofc of the Asst Admr for Admin & Resources Management	Director, Ofc of Pol & Resource Mgmt.
	Principal Dep Asst Admr for Amd & Res Mgmt.
Office of the Comptroller	Dir Ofc of the Comptroller.
	Dir, Financial Mgmt Div.
	Associate Comptroller.
	Director, Budget Division.
	Assoc Dir, Financial Management Division.
	Dir, Resource Management Division.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir, Facilities & Support Services Division.
	Dir, Sfty, Health & Environmental Mgmt Div.
Office of Information Resources Management	Dir Ofc of Information Resources Management.
	Dep Dir Ofc of Information Resources Magnt.
	Director Enterprise Systems Division.
Ofc of Administration & Resources Mgmt—Cincinnati OH	Dir Ofc of Admin and Resources Management.
Office of Administration & Resources Mgmt—RTP, NC	Director Office of Administration & Res Mgmt.
	Director, Office of Data Processing.
Ofc of Human Resources and Organizational Services	Dir Office of Human Resources & Org Services.
	Assoc Dir for Integration & Innovation.
	Dep Dir Ofc of Human Resources & Org Services.
	Assoc Director for Reengineering & Automation.
	Dir Exec Resources & Special Programs Staff.
	Director, Org & Management Consulting Serv.
	Dir Strategic Planning & Policy Systems.
Office of Acquisition Management	Dir, Superfund/RCRA Procurement Ops Division.
	Director, Office of Acquisition Management.
	Dep Dir, Office of Acquisition Management.
Office of Grants and Debarment	Dir, Grants Admin Div.
	Director, Office of Grants & Debarment.
Office of the Asst Admr for Enf & Comp Assurance	Director, Ofc of Environmental Justice.
Office of Federal Activities	Dir, International Enforcement Program Div.
Office of Regulatory Enforcement	Director, Office of Regulatory Enforcement.
	Dep Dir, Office of Regulatory Enforcement.
	Dir Air Enforcement Division.
Office of Criminal Enforcement, Forensics & Training	Dir Natl Enforcement Training Institute.
	Dir Ofc of Criminal Enforce Forensics Train.
Office of Compliance	Director, Office of Compliance.
	Senior Legal Advisor.
	Dir, Enforcement Planning, T&D Division.
	Dep Dir, Enforcement Planning, T&D Division.
	Dir, Manufacturing, ET Division.
	Deputy Director, Office of Compliance.
	Dir Import Export Program.
Office of Site Remediation Enforcement	Director, Ofc of Site Remediation Enforcement.
	Dep Dir, Ofc of Site Remediation Enforcement.
Federal Facilities Enforcement Office	Dir Federal Facilities Enforcement Office.
Office of Policy Development	Dir Waste & Chemical Policy Division.
Office of the Inspector General	Deputy Inspector General.
	Deputy Inspector General.
Office of Investigations	Assist Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audit	Asst Inspector General for Audits.
	Dep Asst Insp Gen for Acq & Asst Audits.
	Principal Dep Asst Insp Gen for Audit.
Office of Management	Assistant Inspector General for Management.
Office of Wastewater	Director, Permits Division.
	Director, Municipal Support Division.
	Deputy Director, Municipal Support Division.
Office of Science and Technology	Senior Science Advisor.
	Director, Engineering & Analysis Division.
	Dir, Health & Ecological Criteria Division.
Office of Wetlands, Oceans and Watersheds	Dir, Assessment & Watershed Protection Div.
	Dir, Oceans & Coastal Protection Division.
	Director, Wetlands Division.
Office of Ground Water & Drinking Water	Dir, E&P Implementation Division.
	Director, Drinking Water Standards Division.
	Director, Ground Water Protection Division.
	Dir Implementation & Assistance.
Office of Solid Waste	Dir, Municipal & Industrial Solid Waste Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dir Hazardous Waste Identification Division.
Office of Air Quality Planning and Standards	Dir, Emission Standards Division.
	Assoc Dir for Intermedia & Intgovt Prog.
	Dir Air Quality Strategies & Standards Div.
	Dir Emissions Monitoring & Analysis Division.
	Deputy Dir Ofc of Air Quality Planning & Stds.
Office of Mobile Sources	Dir Advanced Technology Support Division.
	Dir Fuels & Energy Division.
	Dir Vehicle Programs & Compliance Division.
Office of Radiation & Indoor Air	Dir, Criteria & Standards Div.
	Director, Radon Division.
Office of Atmospheric Programs	Dir Atmospheric Pollution Prevention Division.
	Director, Acid Rain Division.
Ofc of the Asst Admr for Pest & Toxic Substances	Dir Ofc of Program management Operations.
Office of Pesticide Programs	Dir—Registration Division.
	Director—Program Support Division.
	Dir, Biological & Economic Analysis Division.
	Dir, Spec Review & Reregistration Division.
	Dir Envir Fate and Effects Division.
	Dir Health Effects Division.
	Dir Policy & Special Projects Staff.
Office of Pollution Prevention and Toxics	Dir, Health & Environmental Rev Div.
	Director, Environmental Assistance Division.
	Dir, Economics Exposure and Technology Div.
	Director, Chemical Control Division.
	Director, Information Management Division.
	Dir, Pollution Prevention Div.
	Dir Chemical Screening & Risk Assessment Div.
	Dir Chemical Management Division.
	Dir Health Effects Division.
Office of Resources Management and Administration	Dir Ofc of Resources Mgmt & Admin.
Office of Science Policy	Director, Office of Science Policy.
Office of Research and Science Integration	Dir Ofc of Research & Sci Integration.
	Dep Dir ofc of Research and Science Integration.
National Health & Environmental Effects Res Lab (RTP)	DIR Natl Health & Effects Res Lab (RTP).
	Assoc Dir for Health NHEERL (RTP).
	Associate Director for Ecology NHEERL (RTP).
Western Ecology Division-Corvallis	Dir Western Ecology Division Corvallis.
Gulf Ecology Division—Gulf Breeze	Dir Gulf Breeze Ecology Division.
National Exposure Research Laboratory (RTP)	Dir Natl Exposure Res Laboratory (RTP).
	Dep Dir For Management NERL (RTP).
	Asst Dir For Ecology Nerl (RTP).
Characterization Research Division—Las Vegas	Dir Characterization Research Division.
Ecosystems Research Division—Athens	Dir Ecosystems Res Div Athens.
National Risk Mgmt Research Laboratory (Cincinnati)	Dir Natl Risk Mgmt Lab (Cinn).
	Dep Dir For Mgmt Nrml (Cinn).
	Assoc Dir For Health Nrml (Cinn).
	Spec Asst Dir Natl Risk Mgmt Lab.
	Environmental Technology Executive.
Air Pollution Prevention and Control Division—RTP	Dir Air Pollution Prevention & Control Div.
Subsurface Processes and Systems Division—Ada	Dir Subface Process & Systems Division.
National Center for Environmental Assessment	Dir Natl Ctr for Environmental Assessment.
	Associate Director for Health NCEA.
	Associate Director for Ecology NCEA.
	Senior Executive Liaison for Global Climate.
	Spec Asst to Asst Admin for Air Radiation.
National Center for Environmental Assessment—Washington	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—RTP	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—Cincinnati	Dir Natl Ctr for Environmental Assessment.
Natl Center for Environmental Res & Quality Assurance	Deputy Dir for Mgmt (NCERQA).
	Peer Review Compliance Executive.
	Dir Environmental Engineer Research Division.
	Associate Director for Science (NCERQA)
	Dir Natl Ctr for Env Res & Quality Assurance.
Region I—Boston	Director, Water Management Division.
	Regional Counsel.
	Dir Ofc of Ecosystem Protection.
	Dir Ofc of Site Remediation Restoration.
	Dir Ofc of Environmental Stewardship.
	Asst Regional Administrator.
	Dir, Ofc of Administration & Resources Mgmt.
Region II—New York	Director, Environmental Services Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Director, Water Management Division.
	Asst Regl Admr for Policy and Management.
	Dir Air and Waste Management Division.
	Regional Counsel, Region II, New York.
	Dir, Office of Emergency & Remedial Response.
	Dir, Div of Environmental Plnng &Protection.
	Dir, Div of Enforcement & Compliance Asst.
Region III—Philadelphia	Director, water management Division Reg III.
	Regional Counsel.
	Director, Hazadous Waste Mgmt Div.
	Asst Reg Admin for Policy & Management.
	Dir, Air Management Division.
	Dir Chesapeake Bay Program Office.
Region IV—Atlanta	Dir Water Management Division Region IV.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel, Reg IV, Atlanta, Georgia.
	Director Waste Management Division.
Region V—Chicago	Dir Air Management Div Region V.
	Dir Envir Services Div Region V.
	Dir Water Management Div Region V.
	Director, Resources Management.
	Regional Counsel.
	Dir Waste Pesticides & Toxics Division.
	Dir Great Lakes Natl Prog Ofc.
	Director Superfund Division.
Region VI—Dallas	Asst Regional Admr for Management.
	Regional Counsel.
	Director, Compliance A & E Division.
	Dir Superfund Division.
	Dir Water Quality Protection Division.
	Dir Multimedia Plann & Permitting.
Region VII—Kansas City	Regional Counsel.
	Asst Reg Admin for Policy & Mgmt—Reg VII.
	Dir Superfund Division.
	Dir Air RCRA and Toxics Division.
	Dir Water Wetlands & Pesticides Division.
Region VIII—Denver	Dir Ecosystems Protection & Remediation.
	Dir Ofc of Pollution Prevention State Tribal.
	Dir Ofc of Tech & Mgmt Services.
	Regional Counsel Region VIII.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Management Division.
	Regional Counsel, Reg IX, San Fran, Cal.
	Dir, Toxics & Waste Management Div.
	Asst Regional Admr for Policy & Management.
Region X—Seattle	Dir—Water Div Reg X.
	Regional Counsel.
	Director Air and Toxics Division.
	Director, Hazardous Waste Division.
	Asst Regl Admr for Policy & Management.
Equal Employment Opportunity Commission:	
Office of the Chairman	Inspector General.
Field Management—East	Director Field Management Programs (East).
	District Director (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	District Director (Detroit).
	Dist Dir (Miami).
	Dist Dir (Memphis).
	Dist Dir—(Birmingham).
	Dist Dir—(New Orleans).
	Dist Dir—(Charlotte).
	District Director (Cleveland).
	Dist Dir—(Philadelphia).
	Program Manager.
Field Management—West	Dir Field Management Programs (West).
	Dist Dir (Houston).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir—(St Louis).
	Dist Dir—(Indianapolis).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Program Manager (Los Angeles).
	Dist Dir—(Denver).
	Dist Dir—(Phoenix).
	District Dir—(San Antonio).
	District Director (Seattle).
	District Director (Milwaukee).
Federal Communications Commission:	
Office of the Managing Director	Assoc Managing Director/Human Resources Mgmt.
Office of Engineering & Technology	Assistant Bureau Chief for Technology.
Compliance and Information Bureau	Chief Enforcement Division.
Common Carrier Bureau	Chief, Competitive Pricing Division.
	Chief Domestic Facilities Division.
	Chief Accounting & Audits Division.
Mass Media Bureau	Chief Video Services Division.
	Chf, Enforcement Div.
Federal Emergency Management Agency:	
Office of the Director	Chief of Staff.
Office of Financial Management	Chief Financial Officer.
	Deputy Chief Financial Officer.
	Senior Procurement Executive.
Office of Human Resources Management	Director of Human Resources.
Office of Inspector General	Deputy Inspector General.
	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
Preparedness, Training and Exercises Directorate	Div Dir, State & Local Preparedness Division.
Response & Recovery Directorate	Div Dir, Human Services Support Division.
	Div Dir, Infrastructure Support Division.
Federal Insurance Administration	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant	Deputy Chief Accountant.
	Dir Division of Audits.
	Director, Division of Accounting Systems.
Ofc of Hydropower Licensing	Dir Div of Dam Safety & Inspections.
Federal Labor Relations Authority:	
Office of the Chairman	Solicitor.
	Chief Counsel.
	Asst to the Chm for Prog Dev & New Initiative.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Ofc of the Executive Director	Executive Director.
	Dir, Information Resources & Research Serv.
Ofc of the General Counsel	Deputy General Counsel.
	Assist General Counsel (Appeals).
	Asst Gen Counsel, Legal Policy & Advice.
	Director of Operations & Resources Management.
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director, Chicago Illinois.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission:	
Office of the Members	Secretary.
Office of the Managing Director	Dep Managing Dir.
	Dir, Bureau of Administration.
	Prog Manager (Dir Bur of Trade M & A).
	Prog Mgr (Dir Bur of Tariffs C & L).
	Deputy Director Bureau of Enforcement.
	Dir Bureau of Enforcement.
	Deputy Managing Director.
Federal Retirement Thrift Investment Board:	
	Assistant General Counsel (Programs).
	Director of Investments.
	Director of Contracts & Administration.
	Director of Automated Systems.
	Director of Benefits and Program Analysis.
	Director of Accounting.
	Director of Communications.
	Deputy General Counsel.
	Associate General Counsel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Federal Trade Commission:	
Office of the Inspector General	Inspector General.
Ofc of Executive Director	Deputy Exec Dir for Management.
	Dep Exec Dir for Planning & Information.
General Services Administration:	
Office of Management Services and Human Resources	Director of Human Services.
	Dir of Management Services.
	Dir Total Quality Management & Training.
Office of Governmentwide Policy	Deputy Associate Admin for Acquisition Policy.
	Director, Governmentwide Information Systems.
	Dir Governmentwide Info Systems Division.
	Deputy Assoc Administrator for Real Property.
	Asst Deputy Assoc Adm for Information Technol.
Office of Inspector General	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Investigations.
	Asst Inspector General for Quality Management.
Organization Abolished	Director of Federal Acquisition Policy.
Office of the Chief Financial Officer	Director of Finance.
	Director of Budget.
	Dir of Financial Management Systems.
Public Buildings Service	Assistant Commr for Property Management.
	Assistant Commr for Fed Protective Service.
	Dep Asst Commissioner for Property Management.
	Asst Comm for Portfolio Management.
	Asst Commr for Business Development.
	Assistant Commr for Property Disposal.
	Assistant Commissioner for Property Devel.
	Dep Asst Commissioner for Portfolio Manage.
Federal Telecommunications Service	Assistant Commissioner for Serv Development.
	Asst Regional Admin for Info Tech Service.
	Assistant Reg Admin for Inform Res Mgmt—R–4.
	Asst Regl Admr for Info Resources Mgmt.
	Asst Reg Admr for Info Reso Mgmt Ser. NE Zone.
	Assistant Commissioner for Service Delivery.
	Asst Commissioner for Customer Service.
	Assistant Commr for Network Applications.
	Asst Commissioner for Acquisition.
Information Technology Service	Deputy Commr for Info Technology Integration.
	Deputy Commr for Local Telecommunications.
	Assistant Commissioner for Resource Mgmt.
	Dep Chief Information Officer.
Office of the Chief Information Officer	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
Federal Supply Service	Asst Commr for Quality and Contract Admn.
	Asst Commissioner for Acquisition.
	Asst Comr for Transportation & Property Mgt.
	Asst Comm for Bus Management & Marketing.
	Asst Comm for Distribution Mgt.
	Dep Asst Commissioner for Acquisition.
	Assistant Commissioner for FSS Info Systems.
New England Region	Asst Reg Admr for Public Bldg Service.
Northeast & Caribbean Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply Service.
Mid-Atlantic Region	Asst Reg Admr for Public Blds Service.
	Asst Regl Admr, Federal Supply Service.
National Capital Region	Assistant Regional Administrator, PBS, NCR.
	Executive Project Manager.
Southeast Sunbelt Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply & Services.
Great Lakes Region	Asst Reg Admr for Public Blds Service.
The Heartland Region	Asst Reg Admr for Public Blds Service.
Greater Southwest Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply Service.
Rocky Mountain Region	Asst Reg Admr for Public Blds Service.
Pacific Rim Region	Asst Regl Admr for Public Buildings Services.
	Asst Reg Admr for Federal Supply Service.
Northwest/Arctic Region	Asst Regional Administrator, PBS Region 10.
Department of Health and Human Services:	
ODAS for Budget	Dir, Div of Integrity & Organ Review.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
ODAS for Finance	Dep Asst Sec, Finance.
	Dir, Office of Financial Policy.
ODAS for Grants & Acquisition Management	Dep Asst Sec, OGAM.
OAS for Planning and Evaluation	Dep to Deputy Asst Secry for Plann & Evaluat.
OAS for Public Health and Science	Dir, Div of Research Investigations.
	Dir, Ofc of HIV/AIDS Policy.
	Dep Dir, Ofc of Management.
	Reg Health Administrator.
	Director, Office of Research Integrity.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division.
	Dep Assoc Gen Counl, Bus & Adm Law Div.
Office of the Inspector General	Principal Dep Inspector General.
	Deputy Inspector General for Mgmt & Policy.
	DEO Inspector General for Legal Affairs.
ODIG for Investigations	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil & Adm Remedies.
	Asst Insp Gen for Investigation P&O.
ODIG for Audit Services	Dep Inspector General for Audit Services.
	Asst Insp Gen for Adm of C/F & Agin Audits.
	Asst Inspector Gen for Health Care Fin Audits.
	Asst Inspector Gen for Audit Pol & Oversight.
	Asst Insp Gen for Public Health Serv Audits.
ODIG for Evaluation & Inspections	Dep Insp Gen for Evaluation & Inspections.
Administration on Aging	Director, Ofc of State & Community Programs.
	Das for Prog Dev & Elder Rights Programs.
Program Support Center	Dir, Program Support Center.
Office of Financial Management Service	Director, Financial Management Service.
Office of Program Support	Dir, Ofc of Financial Management.
Ofc of Information Systems Management	Dir, Ofc of Information Systems Management.
OAA for Management	Dir, Office of Acquisitions and Grants.
OAA for Program Development	Dir, Office of Demonstrations and Evaluations.
	Dir, Office of Research.
Office of Associate Admr for Policy	Dir, Ofc of the Actuary (Chief Actuary).
	Deputy Director, Office of the Actuary.
	Director, Ofc of Medicare & Medicaid Cost Est.
Office Assoc Admr, for Operations & Res Management	Dir, Bureau of Data Management and Strategy.
	Dep Dir, Bureau of Data Management & Strategy.
	Dir, Ofc of Contracting & Financial Management.
	Director, Office of Financial & Human Res.
	Director, Office of Financial Management.
	Deputy Director, Ofc of Financial Management.
	Dir, Ofc of Medicare Benefits Administration.
	Dir Ofc of Benefits Integrity.
Organization Abolished	Deputy Director, Office of Management.
	Dir, Div of Public Health Service Budget.
	Director, Div of Research Investigations.
Substance Abuse & Mental Health Services Administration	Assoc Admr for Extramural Programs.
Center for Substance Abuse Prevention	Dir Div of Comm Prevention & Training.
	Director, Division of Workplace Programs.
Center for Mental Health Services	Chief Retrovirus Branch.
	Dir Div of Stste & Community Systems Develop.
Center for Substance Abuse Treatment	Dir, Ofc of Scientific Analysis & Evaluation.
Centers for Disease Control & Prevention	Director, Financial Management Office.
	Senior Advisor for Minority Health Education.
Center for Infectious Diseases	Asst Dir for Laboratory Science.
Natl Institute for Occupational Safety & Health	Executive Officer, NIOSH.
Center for Env Health & Injury Control	Dir Div of Environmental Health Lab Sciences.
Center for Chronic Disease Prevention & Hlth Promotion	Director, Office on Smoking and Health.
Center for Prevention Services	Dir Div of STD/HIV Prevention.
National Center for Health Statistics	Assoc Dir for Analysis & Epidemiology.
	Associate Dir, Ofc of P & E Programs.
	Assoc Dir for Research & Methodology.
	Assoc Dir. Ofc of Vital & Health Stats Syst.
	Assoc Dir for Internal Statistics.
Food and Drug Administration	Senior Advisor.
	Deputy for Scientific & Medical Affairs.
	Deputy Chief Counsel for Program Review.
Center for Biological Evaluation & Research	Director, Division of Bacterial Products.
	Dir, Div of Biostatistics & Epidemiology.
	Dir Ofc of Compliance.
	Dir, Ofc of Vaccines Research & Review.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Center for Drug Evaluation & Research	Dir Ofc of Therapeutics Research & Review.
	Dir Ofc of Blood Research & Review.
	Dir, Center for Drug Evaluation & Research.
	Director, Office of Management.
	Assoc Dir for Med Pol Dir Ofc of Drug Eval I.
	Dir, Div of Cardio-Rental Drug Products.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Midical Imaging S & D Products.
	Dir, Div of G & C Drug Products.
	Associate Director for Drug Monograph.
	Dir, Ofc of Over-The-Counter Drug Evaluation.
	Dir, Office of Epidemiology & Biostatistics.
	Dep Dir, Ofc of Epidemiology & Biostatistics.
	Dir, Office of Drug Evaluation II.
	Dir. Div of M & E Drug Products.
	Dir, Div of Anti-Viaral Drug Products.
	Director, Office of Compliance.
	Dir, Div of Scientific Investigations.
	Director, Office of Research Resources.
	Director, Division of Biopharmacentics.
	Dep Ctr for Pharmaceutical Science.
	Dir Ofc of Drug Evaluation V.
Center for Food Safety & Applied Nutrition	Director, Office of Seafood.
	Director, Office of Toxicological Sciences.
	Associate Dir for Laboratory Investigations.
	Dir Ofc of Premarket Approval.
	Dir Ofc of Field Programs.
	Dir, Ofc of Plant & Dairy Foods & Beverages.
	Director, Office of Food Labeling.
	Dir, Ofc of Pol, P & S Initiatives.
Center for Devices & Radiological Health	Dir Office of Device Evaluation.
	Dir, Div of Surgical & Rehabilitation Devices.
	Dir, Division of Cardovascular Devices.
	Dir, Div of General & Restorative Devices.
	Dir Office of Compliance.
	Dir, Office of Science and Technology.
	Dir Div of Reproductive Abdominal Ear Throat.
	Dir Ofc of Sys & Management.
Center for Veterinary Medicine	Director, Office of Science.
	Director, Office of Surveillance.
	Dir, Ofc of New Animal Drug Evaluation.
Office of Regulatory Affairs	Assoc Comr for Regulatory Affairs.
	Dep Assoc Comr for Regulatory Affairs.
	Regl Food & Drug Director, NE Region.
	Regl Food & Drug Director, Mid-Atlantic Region.
	Regl Food & Drug Director, Southeast Region.
	Regl Food & Drug Director, Midwest Region.
	Regl Food & Drug Director, Southwest Region.
	Regl Food & Drug Director, Pacific Region.
National Center for Toxicological Research	Director, Div of Biometry.
	Director, Office of Research.
Office of Health Affairs	Director Med Staff, Ofc of Health Affairs.
Office of Management and Systems	Dir Ofc of Financial Management.
Office of Management	Dir, Parklawn Computet Center.
Bureau of Health Resources Development	Dep Dir, Bureau of health Resources Dev.
Office of the Director	Director, Div of Financial Management.
	Director, Division of Contracts & Grants.
	Associate Director for Extramural Affairs.
	Associate Director for Disease Prevention.
	Dir, Ofc of Medical Applications of Research.
	Associate Director for Administration.
Nat'l Heart, Lung, & Blood Institute	Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases & Resources.
	Director, Division of Extramural Affairs.
	Assoc Dir for International Programs.
	Dir Ofc of Biostatics Research.
	Dep Dir Div of Heart Vascular Diseases.
	Dep Dir Div of Epidem & Clinical Application.
Intramural Research	Dir, Division of Intramural Research.
	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Biophysical Chemistry.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chief Macromolecules Section.
	Chf, Intermediary M & B Section.
	Chf, Lab of Kidney & Electrolyte Metabolism.
	Chief Lab of Cardiac Energetics.
	Chief, Metabolic Regulation Section.
National Cancer Institute	Assoc Dir for Intramural Management.
	Assoc Director for Extramural Management.
Division of Cancer Biology, Diagnosis and Centers	Dir, Div of Cancer Biology Diagnosis & Ctrs.
	Dep Dir, Div of Cancer Biology Diag & Centers.
	Chf, Microbial G & B Section, Lab of Biochem.
	Chief, Lab of Biochem Intramural Res Prog.
	Assoc Dir, Extramural Research Program.
	Chief Dermatology Br, Intramural Res Prog.
	Chief, Cell Mediated Immunity Section.
	Chief, Lab of Tumor & Biol Immunology, Irp.
	Assoc Dir, Ctrs Training & Resources Prog.
Division of Cancer Etiology	Dir, Div of Cancer Etiology.
	Chief Lab of Biology.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control.
	Associate Dir, Surveillance Program, DCPC.
	Assoc Dir, Early D & C Oncology Program.
Division of Extramural Activities	Dir, Div of Extramural Activities.
Division of Cancer Treatment	Chf-Radiation Oncology Br.
Natl Institute of Diabetes & Digestive & Kidney Dis	Dir Div Kidney Urologic & Hematlogic Diseases.
	Dir Division of Extramural Activities.
	Assoc Director for Research & Assessment.
	Chf, Lab of Molecular & Cellular Biology.
	Dep Dir for Management & Operations.
Intramural Research	Chief Section on Biochemical Mechanisms.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Chief, Section on Molecular Structure.
	Chief Theoretical Biophysics Section.
	Chief, Laboratory of Bio-Organic Chemistry.
	Chief Oxidation Mechanisms Section L B C.
	Chief Laboratory of Biochemistry & Metabolism.
	Clinical Dir & Chief, Kidney Disease Section.
	Chief, Section on Molecular Biophysics.
	Chf, Sec Carbohydrates Lab of Chemistry/NIDDK.
	Chief, Laboratory of Neuroscience, NIDDK.
	Chief Epidemiology & Clinical Research Branch.
	Chf, Laboratory of Medicinal Chemistry.
	Chief, Morphogenesis Section.
Natl Inst of Arthr and Musculoskeletal and Skin Diseases	Director, Extramural Program.
	Deputy Dir.
National Library of Medicine	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Assoc Dir for Extramural Programs.
	Dep Dir Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
	Dir Natl Ctr for Biotech Info.
	Assoc Dir for Health & Info Prog Development.
Natl Inst of Allergy and Infectious Diseases	Dir, Div of Allergy/Immunology/Transplantatn.
	Chf, Lab of Parasitic Diseases.
	Dir, Div of Microbiology/Infectious Diseases.
	Chief, Lab of Immunogenetics.
	Dir, Div of Extramural Activities.
	Ch, Lab of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Dir, Div Acquired Immunideficiency Syndrome.
	Chief, Biological Resources Branch.
	Head, Lymphocyte Biology Section.
	Chief, Laboratory of Infectious Diseases.
	Dep Dir Div of Acquired Immunodeficiency.
	Head Epidemiology Section.
	Chief, Laboratory of Malaria Research.
	Dir Div of Intramural Research.
	Dep Chief Lab of Imm & Head Lymp Biol Section.
Natl Inst on Aging	Scientific Director Gerontology Rsch Cntr.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Natl Inst of Child Health and Human Development	Clin Director and Chief Clin Physiology Br.
	Assoc Dir Biology of Aging Program.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo, & Biometry Program.
	Assoc Dir, Epidemi, Demo, & biometry Program.
	Assoc Dir, Ofc of Plnng, A & I Activities.
	Assoc Dir Neurosci & Neuropsych of Aging Prog.
	Chief, Laboratory of Molecular Genetics.
	Chf, Endocrinology & Reproduction Research Br.
	Director Ctr Forres for Mothers & Children.
	Director Cntr for Population Research.
	Chief, Section on Growth Factors.
	Assoc Dir for Prevention Research.
	Chief Laboratory of Mamalian Genes & Develop.
	Chief, Section on Molecular Endocrinology.
	Chief Section Neuroendocrinology.
	Chief Section on Microbial Genetics.
	Chief, Laboratory of Comparative Ethology.
	Associate Director for Administration.
	Dir, Natl Center for Medical Rehab Research.
Natl Inst of Dental Research	Chief, Laboratory of Immunology.
	Dir, Extramural Program.
Natl Inst of Environmental Health Sciences	Dir, Div of Intramural, NIEHS.
	Chf Lab of Pulmonary Pathobiology.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Senior Scientific Advisor.
	Associate Director for Management.
	Chief Lab of Molecular Carcinogenesis.
	Dir Natl Inst of Environmental Health Science.
	Dir Environmental Toxicology Program.
Natl Inst of General Medical Sciences	Dep Dir Natl Institute of General Med Sci.
	Dir Genetics Program.
	Assoc Dir for Program Activities.
	Dir Bio Phys Sciences Program Branch.
	Dir, Minority Opportunities in Res Prog Br.
Natl Inst of Neurological Disorders and Stroke	Dir, Div of Fundamental Neurosciences.
	Director, Division of Stroke & Trauma.
	Associate Director for Administration.
	Dir, Basic Neurosci Prog/Chf/Lab of Neurochem.
	Chf, Lab of Molecular & Cellular Neurobiology.
Intramural Research	Chief Lab of Central Nervous System Studies.
	Chf, Dev & Metabolic Neurology Branch.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	HD Cellular Neuropathology Section.
	Chief, Neuroimaging Branch.
	Chf, Surgical Neurology Branch.
	Chief, Laboratory of Nuerobiology.
	Chief, Laboratory of Neura Control.
	Chief, Brain Structural Platicity Section.
	Chief, Stroke Branch.
Natl Eye Institute	Chief Laboratory of Retinal Cell & MDO Biolog.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
Natl Inst on Deafness & Other Communication Disorders	Director of Human Communication.
	Chief, Laboratory of Cellular Biology.
NIH Clinical Center	Associate Director for Planning.
	Asso Chf, Position Emission T&R.
	Deputy Director for Magament and Operations.
	Deputy Director for Clinical Care.
Division of Computer Research & Tech	Chief, Computer Center Branch.
	Chief, Physical Sciences Lab.
	Deputy Director.
	Assoc Dir Ofc of Computing Resources Services.
John E. Fogarty Intl Center	Assoc Dir for Intl Advanced Studies.
	Dir, Gen Clinical Res Ctr for Res Resources.
	Dep Dir, Natl Center for Research Resources.
Division of Research Grants	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
National Center for Nursing Research	Director National Cntr for Nursing Research.
National Center for Human Genome Research	Deputy Director.
	Dir, Div of Intramural Res Natl Ctr HGR.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chief, Diag Devel Br Natl Ctr Human Gen Res.
	Chf, Lab of Genetic Dis Res Natl Ctr for HGR.
National Institute on Drug Abuse	Assoc Dir for Planning & Resources Management.
	Dir, Office of Extramural Program Review.
	Director, Division of Clinical Research.
	Dir, Medications Development Division.
	Chief, Neuroscience Research Branch.
National Institute of Mental Health	Associate Director for Special Populations.
	Associate Director for Prevention.
	Exec Ofcr, Natl Institute of Mental Health.
	Dir, Ofc of Legislative Analysis & Coord.
	Dir, Div of Neuroscience & Behavioral Sci.
	Director, Division of Extramural Activities.
	Chief, Neuropsychiatry Branch.
	Chief, Child Psychiatry Branch.
	Chief, Biological Psychiatry Branch.
	Chief, Laboratory of Clinical Science.
	Chief, Section on Histopharmacology.
National Institute on Alcohol Abuse & Alcoholism	Dir, Natl Institute on Alcohol A&A.
	Director, Division of Basic Research.
Agency for Health Care Policy & Research	Dir, Ctr for Outcomes & Effectiveness Research.
	Dir, Ctr for Gen Health Serv Intramural Res.
	Dir, Ctr Gen Health Svce Extramural Research.
	Dir, Ofc of Sci & Data Dev/Agcy for Hcp & Res.
Department of Housing and Urban Development:	
Office of the General Counsel	Assoc Gen Coun for Program Enforcement.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Asst Inspector General for Management & Pol.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst Inspector Gen for P&O.
	Dep Asst Inspector General for Investigation.
	Counsel to the Inspector General.
Office of the Chief Financial Officer	Assoc Dep Chief Financial Officer for Account.
	Dep Chief Financial Officer for Accounting.
	Dep Chief Financial Officer for Finance.
Assistant Secretary for Administration	Deputy Director, Office of Human Resources.
	Dir, Ofc of Budget.
	Dep Dir, Ofc of Budget.
	Director, Ofc of Procurement & Contracts.
	Special Advisor/Comptroller.
Assistant Secy for Housing	Dir, Mortgage Insurance Acctng & Serv Group.
	Dir, Ofc of Multifamily Asset Management Dispo.
	Housing/Fed Housing Adm Comptroller.
	Dir of Multifamily Housing Development.
	Housing-FHA Deputy Comptroller.
	Dir, Ofc of Pol, P & F Systems Enhancements.
	Director, RESPA Enforcement Unit.
	Director, Office of Evaluation.
	Program Systems Project Officer.
Asst Secy for Fair Housing and Equal Opportunity	Director, Office of Investigations.
	Dir, Ofc of Fair Housing I & V Programs.
Office of Departmental Equal Opportunity	Dep Dir Ofc of Equal Employment Opportunity.
	Dir, Ofc of Departmental Equal Employ Opport.
Asst Secy for Community Planning and Development	Director, Office of Economic Development.
	Director, Ofc of Community Viability.
Government National Mortgage Association	Vice President for Finance.
	Vice President, Ofc of Pol, P & R Management.
	Vice President Ofc of Customer Service.
	VP Office of Multifamily Programs.
Asst Secy for Public and Indian Housing	Gen Dep Asst Secy for Public & Indian Housing.
	Public & Indian Housing—Comptroller.
	Dep Asst Secry for Public & Asst Housing Oper.
	Deputy Public & Indian Housing Comptroller.
	Dep Dir to Dep Asst for Pub Asst Housing.
	Dir, Ofc of Public Housing Partnership.
Department of Interior:	
Ofc of the Inspector General	Assistant Inspector General for Auditing.
	Ast Inspector General for Investigations.
	General Counsel.
	Deputy Asst Inspector General for Audits.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law.
	Asst Solicitor Bureau of Parks and Recreation.
	Associate Solicitor for Administration.
	Dep Associate Solicitor—Energy & Resources.
	Dep Associate Solictor—Indian Affairs.
Asst Secy for Policy, Management and Budget	Asst Dir for Economics.
	Manager, Science and Engineering.
	Dir, Ofc of Fin Mgmt & Dep Chf Fin Officer.
	Chief Div of Budget & Program Review.
	Manager, Indian Programs.
	Chief Div of Budget Admin.
	Deputy Agency Ethics Staff Officer.
Asst Secretary for Fish & Wildlife & Parks	Executive Dir Regional Ecosystem Office.
Nat'l Park Service	Park Manager—Yosemite (Superintendent).
	Park Manager Everglades.
	Park Manager—Yellowstone (Superintendent).
	Asst Dir, Design & Construction (Mgr, DSC).
	Park Manager—Independence Natl Historic Park.
	Park Manager—Grand Canyon.
US Fish & Wildlife Service	Deputy Regl Director—Atlanta.
National Biological Service	Dep Asst Dir—Pol, Budget, & Administration.
	Research Director Patuxent Research Center.
	Spec Asst to the Reg Dir Research & Develop.
	Asst Dir for Information & Technology Service.
Office of the Regional Director	Assistant Director for Inventory & Monitoring.
Organization Abolished	Director, Health & Safety Research Center.
	Director, Environmetnal Remediation Res Ctr.
	Director, Materials Partnerships Res Center.
	Chief Div of Environmental Technology.
	Chief, Division of Resource Evaluation.
	Director, Office of Mineral Issues Analysis.
Bureau of Reclamation	Research Director.
	Director, Technical Services Center.
	Deputy Asst Commissioner—Resources Management.
	Spec Asst to the Dir, Reclamation Serv Center.
	Project Manager/Arizona Projects Office.
	Director, Management Srevices Office.
US Geological Survey	Staff Geologist for NPRA/Alaska Activities.
National Mapping Div	Chief, National Mapping Division.
	Chief, ERDS Data Center.
	Chief Western Mapping Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Asst Div Chief for Information & Data Svc.
	Chief Mapping Applications.
	Assoc Chief Programs & Finances.
	Associate Chief for Operations.
	SR Staff SCI for Mapping & Geographic Data.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regional Hydrologist.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
	Asst Chf Hydrologist for Operations.
	Asst Chf Hydrologist for Water A & D Coord.
	Asst Chf Hydro for Res & Extrnl Coordination.
	Chief, Natl Water Quality Assessment (NAWQA)
	Asst Chief Hydrologist for Tech Support.
	Asst Chief Hydrologist for Water Information.
	Chf, Ofc of Hydrologist Research.
	Chf, Br of Water Information Transfer.
	Chf, National Water Data Exchange Program.
Geologic Div	Chief Geologist.
	Chief, Ofc of Earthquakes, Volcanoes & Engr.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf Ofc of Mineral Resources.
	Chief, Office of Energy & Marine Geology.
	Chief, Office of International Geology.
	Chief, Office of Regional Geology.
	Assistant Chief Geologist for Programs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Bureau of Land Management	Chief, Office of IRM/Modernization.
	International Tech Asst Program Manager.
	Helium Program Administrator.
Ofc of Surface Mining Reclam & Enforcement	Regional Director.
	Regional Director.
	Regional Director.
Minerals Management Service	Regional Director, Gulf of Mexico OCS Region.
	Dep Associate Director for Offshore Leasing.
	Chief, Leasing Management Division.
	Regional Manager, Alaska OCS Region.
	Assistant Assoc Dir for Offshore Minerals Mgt.
	Regional Manager, Pacific OCS Region.
	Dep Associate Dir for Offshore Operations.
	Special Assistant to the Director.
	Dep Assoc Dir for Audit.
	Dep Assoc Dir for Valuation & Operations.
	Deputy Assoc Director for Administration.
Bureau of Indian Affairs	Special Assistant (Special Projects Officer).
	Dep to the Dir Indian Education Programs.
	Spec Asst to the Asst Secy—Indian Affairs.
International Development Cooperation Agency:	
Office of the General Counsel	Deputy General Counsel.
	Asst General Counsel for Ethics & Adm.
Office of the Inspector General	Asst Inspector General for Security.
	Asst Inspector General for Security.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of Equal Opportunity Programs	Dir Ofc of Equal Opportunity Programs.
Bureau for Global Programs, Field Support and Research	Assoc Asst Admr Center for Economic Growth.
	Senior Deputy Assistant Administrator.
	Dep Asst Admr Ctr for Pop, H/N BFGP,FS/RES
	Associate Assistant Administrator.
	Assoc Asst Admin.
Bureau for Europe and the New Independent States	Deputy Asst Administrator.
Bureau for Management	Deputy Director.
	Director Office of Financial Mgmt.
	Chf Fin Ofcr, Office of Financial Management.
	Dir Office of Information Resource Management.
	Deputy Director Ofc of Procurement.
	Deputy Director.
	Dir. Ofc of Admin Services.
	Dep Dir Ofc of Procurement Bureau for Magnt.
	Deputy Asst Admr Bureau for Management.
Department of Justice:	
Office of the Attorney General	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Ofc of the Legal Counsel	Special Counsel
	Special Counsel.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Inspections.
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Asst Inspector Gen for Management & Planning.
	General Counsel.
	Dir, Special Investigational Review.
Office of the Deputy Attorney General	Correctional Prog Ofcr/Sr Dep Asst Dir Prd.
Justice Management Division	Asst Attorney General for Administration.
	Deputy Asst Attorney General.
	Dep Asst Attorney Gen Human Res/Admin.
	Dir, Security & Emergency Plnng Staff.
	Dir Library Staff.
	Dir, Facilities and Administrative Svc Staff.
	Dir Telecommunications Services Staff.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Senior Policy Advisor.
	Dep Asst Attorney General, Info Res Mgt.
	Dir Procurement Services Staff.
	Dir, Systems Technology Staff.
	General Counsel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dir, Equal Employment Opportunity Staff.
	Senior Counsel.
Office of the Controller	Dep Asst Attorney General; Controller.
	Dir Finance Staff.
	Dep Asst Atty Gen for Debt Collection.
	Asst Dir, Management & Planning Staff.
Office of Human Resources and Administration	Director Personnel Staff.
	Director, Ofc of Atty Pers Mgmt.
Office of Info & Admin Services	Director, Computer Services Staff.
	Director, Information Mgmt & Security Staff.
Executive Office for Immigration Review	Chief Immigration Judge.
	Associate Director.
	Chairman, Board of Immigration Appeals.
	Chief Admin Hearing Officer.
Antitrust Division	Senior Litigator.
	Executive Officer.
	Chief Computers and Finance Section.
	Senior Litigator.
Office of Litigation	Dep Dir of Operations.
	Chief, Competition Policy Section.
Civil Division	Director of Management Programs.
	Deputy Director, Commercial Litigation Branch.
	Appellate Litigation Counsel.
Commercial Litigation Branch	Spec Litigation Counsel (Foreign Litigation).
	Sepc Litigation Coun, C/L Branch.
	Deputy Branch Director/Commercial Litigation.
	Deputy Branch Dir Civil Frauds.
Federal Programs Branch	Special Litigation Counsel (Federal Programs).
	Deputy Branch Director.
Torts Branch	Spec Litigation Counsel.
	Spec Litigation Counsel.
	Deputy Branch Director.
	Deputy Branch Director.
	Deputy Branch Director.
	Director Office of Consumer Litigation.
Civil Rights Division	Special Litigation Counsel.
Environment and Natural Resources Division	Executive Officer.
Office of Environmental Resources	Senior Litigation Coun Attorney-Examiner.
	Dep Chf, Environmental Enforcement Section.
	Deputy Chf, Environmental Enforcement Sect.
	Principal Deputy Chief Environ Enforce Sec.
Tax Division	Chief Civil Trial Section Southwestern Region.
Deputy Assistant Attorney General–I	Special Litigation Counsel.
	Sr Trial Attorney.
	Special Litigation Counsel.
	Spec Litigation Counsel.
Immigration and Naturalization Service	Asst Commissioner for Detention & Deportation.
	Asst Commissioner for Adjudication & Natural.
	Assistant Commissioner for Border Patrol.
	Director of Internal Audit.
	Director of Security.
	Asst Comr, Budget.
	Regional Director Central Region.
	Asst Commissioner Administration.
	Chief Patrol Agent.
	District Director.
	Chief Patrol Agent.
	District Dir, Western Reg, Phoenix District.
	Asst Commissioner Data Systems.
Associate Commissioner for Examinations	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
Executive Associate Commissioner for Management	Assistant Comr, Human Resources & Development.
Ofc of the Associate Attorney General	Executive Officer (Principal Assc Director).
Executive Ofc for U.S. Attorneys	Dir Ofc of Mgmt Information Systems Support.
	Dir, Office of Administration & Review.
	Dep Dir for Operations.
Criminal Division	Deputy Chief, Fraud Section.
	Dir Ofc of Asset Forfeiture.
	Senior Appellate Counsel.
	Senior Counsel.
	Executive Officer.
	Dir Intl Criminal Invest Train Asst Progam.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chief, General Litigation & Legal Advice Sect.
	Senior Counsel for Natl Security Matters.
	Dep Chief Terrorism & Violent Crime Section.
Ofc of Deputy Asst Attorney General I	Counsel to the Office Fraud Section.
Ofc of Deputy Asst Attorney General II	Chf Public Integrity Section.
	Deputy Chief Public Integrity Section.
Federal Bureau of Prisons	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, UNICOR.
	Dep Assoc Commr Fed Prison industries.
	Warden Ft Worth Texas.
	Asst Director for Human Res Mgmt.
	Asst Direct for Program Rev.
	(Warden) Miami, FL.
	Senior Deputy Asst Dir Health Services Div.
	Regional Director Mid Atlantic Division.
	Asst Dir., Community Corrections & Detention.
	Asst Dir, Info, Pol, & Public Afrs Div.
	Gen Counsel, Fed Prison Industries (UNICOR).
	Warden, Allenwood, Pennsylvania.
	Sr Mgt Counsel, (Fed Bureau of Prisons).
	(Warden) Fort Dix, NJ.
	(Warden) FCC, Floren, Co.
	Warden, USP, Florence, CO.
	CIA (Warden) Fed Medical Center Carswell, TX.
	CIA (Warden) U.S. Penitentiary, Allenwood, PA.
	(Warden) Ftc, Oklahoma, OK.
	Senior Dep Asst Dir (Administration).
	CIA (Warden) Fed Cortl Inst/El Reno, OK.
	CIA (Warden) Fed Medical Center/ Miami, FL.
	Correctional Prog Offcr/SR Dep Regl Dir.
	Correctional Inst Admr (Warden) FCI.
Office of Correctional Programs	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director, Northeast Region.
	Warden, Lewisburg, PA.
	Warden, Mckean, PA.
	(Warden), Oakdale, LA.
	Correctional Institution ADMR (Warden).
Southeast Region	Regional Director, Southeast Region.
	Warden Atlanta.
	Warden, Lexington Kentucky.
	Warden Butner North Carolina.
North Central Region	Regional Director, North Central Region.
	Warden Leavenworth Kansas.
	Warden Springfield MO.
	Warden Marion IL.
	Warden Terre Haute, IN.
	Correctional Institution ADMR.
South Central Region	Regional Director, South Central Region.
Western Region	Regional Director, Western Region.
	Warden, Lompoc, CA.
	Warden, Phoenix, AZ.
	Warden, Federal Correctional Institution.
	Correctional Institution Admr (Warden).
	Asst Dir, Correction Prog Div., Wash., DC.
National Institute of Justice	Asst Dir, Ofc of Dev Testing & Dissemination.
Bureau of Justice Statistics	Deputy Dir, Bureau of Justice Statistics.
	Princl Dep Dir, Bureau of Justice Statistics.
U.S. Marshals Service	Associate Director for Administration.
	Assistant Director for Human Resources.
	Asst Dir for Research & Development.
	Assoc Director for Operational Support.
	Senior Management Advisor.
	Associate Director for Training.
	Assistant Director for Business Services.
	Assistant Director for Executive Service.
	Assistant Director for Investigative Servs.
	Assistant Director for Judicial Security.
	Asst Director for Organizational Development.
	Assistant Director for Training.
Department of Labor:	
Ofc of the Inspector General	Deputy Inspector General.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Counsel to the Inspector General.
	Asst Inspector Gen for Mgmt & Counsel.
Ofc of the Asst Secy for Policy	Dir of Program Devel for Human Resources.
Office of Labor-Management Standards	Director, Ofc of Policy & Program Support.
Office of the Solicitor	Deputy Solicitor (Regional Operations).
	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Dir, Office of Management.
	Associate Solicitor for Black Lung Benefits.
Regional Solicitors	Regional Solicitor.
	Regional Solicitor Region IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management	DAS for Admin & Mgmt/Chf Information Ofcr.
	Dir of Management Policy and Systems.
	Director of Human Resources.
	Director, Directorate of Civil Rights.
	Director of Information Technology.
	Dir, Administrative & Procurement Programs.
	Deputy Chief Financial Officer.
	Dir Ofc of Fin Integrity.
	Deputy Assistant Secy for Budget.
	Director Business Operations Center.
	Director of Civil Rights.
	Dir Div of Agency Programs.
Office of Management, Administration and Planning	Dir Ofc of Mgmt, Administration and Planning.
Ofc of Federal Contract Compliance Programs	Director Division of Programs Operations.
Wage and Hour Division	Asst Admin for Policy Planning & Review.
	Dep Wage & Hour Admin.
	Dep Natl Ofc Program Administrator.
Ofc of Workers Compensation Programs	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Pension & Welfare Benefits Administration	Dir of Regulations & Interpretations.
	Dep Asst Secy for Program Operations.
	Director of Exemption Determinations.
	Senior Policy Advisor.
	Regional Director.
	Regional Director.
	Regional Director.
	Regional Director.
	Dir of Enforcement.
Bureau of Labor Statistics	Deputy Commissioner.
	Asst Commr for Consumer Prices/Price Indexes.
	Associate Commissioner for Field Operations.
	Assoc Commr for Publications & Spec Studies.
	Asst Commr for Fedl/State Coop Stat Programs.
Data Analysis	Assoc Commr, Economic Growth.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Assoc Comr for Research & Evaluation.
	Assoc Comm for Employment & Unempl Statistics.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Commissioner for Current Employ Analysis.
	Asst Comr for Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr, Compensation & Working Conditions.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Asst Comm for Survey Methods Research.
	Asst Comm for International Prices.
Administrative and Internal Operations	Dep Comm for Adm and Internal Operations.
	Associate Commissioner for Administration.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Comr for Technology & Survey Processing.
	Dir, Quality & Info Management.
Office of Financial & Administrative Management	Comptroller.
	Admr, Ofc of Financial & Administrative Mgmt.
	Dir, Ofc of Information Resources Management.
Administrative Programs	Dir, Adm Progs.
Health Standards Programs	Dir Health Standards Programs.
Safety Standards Programs	Director Safety Standards Programs.
Federal/State Operations	Director, Federal/State Operations.
Technical Support	Director, Technical Support.
Mine Safety and Health Administration	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.
Merit Systems Protection Board:	
Office of the General Counsel	Deputy General Counsel.
Office of the Clerk of the Board	Clerk of the Board.
Office of Policy and Evaluation	Director, Office of Policy & Evaluation.
Office of Regional Operations	Director, Office of Regional Operations.
Central Region	Regional Director, Atlanta.
Chicago Regional Office	Regional Director, Chicago.
	Regional Director, Dallas.
Philadelphia Regional Office	Regional Director, Philadelphia.
San Francisco Regional Office	Regional Director, San Francisco.
Washington Regional Office	Regional Director, Washington, D.C.
National Aeronautics and Space Administration:	
Ofc of the Administrator	Technical Assistant to the Chief Engineer.
	Special Assistant to the Chief Engineer.
Office of the Chief Financial Officer/Comptroller	Dir Systems Analysis Division.
	Deputy Chief Financial Officer.
	Director, Financial Management Division.
	Director, Resources Analysis Division.
	Deputy Dir, Financial Management Division.
Office of Headquarters Operations	Chief, Information Syst & Technol Office.
	Director Headquarters Acquisition Division.
Office of Equal Opportunity Programs	Director, Discrimination Complaints Division.
	Director, Multicultural Prog & Support Div.
	Manager Minority University Programs.
Office of Human Resources & Education	Associate Administrator for Human Resources.
	Director, Education Division.
	Director, Personnel Division.
	Director, Management Systems Division.
	Dep Assoc Adm for Human Res & Education.
	Special Asst to the Associate Admr.
Office of Procurement	Asst Admr for Procurement.
	Director, Program Operations Division.
	Director, Procurement Policy Division.
	Dep Assistant Administrator for Procurement.
	Dir, Contract Pricing & Finance Office.
	Director, Analysis Division.
Office of External Relations	Dep Assoc Admin for Pol Coor & Intel Relation.
Defense Affairs	Director, Space Flight Division.
Space Flight	Spec Asst to the Dir Intl Relations Div.
Policy Coordination	Manager, International Technol Transfer Pol.
Office of Management Systems & Facilities	Special Assistant to the Assoc Administrator.
Security, Logistics & Industrial Relations	Program Manager.
	Dir, Logistics & Security Division.
Aircraft Management	Director, Aircraft Management Office.
Information Resources Management	Director, Information Resources Mgmt Division.
Facilities Engineering	Deputy Director, Facilities Engineering Div.
	Dir Environmental Management Division.
	Director, Facilities Engineering Division.
Office of Small & Disadvantaged Business Utilization	Assoc Admr for S&D Business Utilization.
Office of Legislative Affairs	Dep Assoc Admin.
	Dep Assoc Admin for Programs.
Office of Space Flight	Tech Asst to Dep Assoc Admin for Space Shuttl.
	Director, Advanced Project Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Senior NASA Representative.
	Deputy Assoc Admr for Space Communications.
Policy & Plans	Dir, Policy & Plans.
Institutions	Deputy Associate Admr for Business Mgmt.
	Dir, Institutions.
	Techn Asst to the Dep Assoc Adm for Bus Mgmt.
Chief Engineer	Tech Asst to the Chief Engineer.
	Deputy Chief Engineer.
	Senior Engineer.
Mission Director	Asst Mission Dir, Mir.
Space Shuttle Program	Manager, Space Shuttle Syst Integration.
	Mgr, 'Natl Space Trans Syst Integration & OPS.
	Manager, Safety & Obsolescence.
Space Station Program	Manager, Strategic Utilization & OPS Office.
	Deputy Director, Space Station Program.
	Senior Engineer Space Station Program.
Johnson Space Center	Dep Manager, Orbiter & GFE Projects Office.
	Chief Financial Officer.
	Director of Human Resources.
	Dep Mgr, Space Station Projects Office.
	Manager, Orbiter Project Office.
	Dir of Tech Transfer & Commercialization.
	Chief Information Officer.
	Deputy Chief Information Officer.
	Director, Phase One Program (JSC).
	Dep Manager, Johnson Space Ctr Projects Office.
	Associate Director (Technical).
	Assistant Director, Space Operations.
Space Operations Office	Manager, Space Operation Mgmt Office.
	Manager, Space Ops Engineering Office.
Space Station Program Office	Space Station Program Manager.
	Space Station Vehicle Manager.
	Business Manager, Space Station Program Ofc.
	Director, Management Operations.
	Deputy Space Station Vehicle Manager.
	Manager International Partners Office.
	Deputy Manager, Space Station Program.
	Tech Asst to the Mgr, Space Station Program.
	Dep Program Manager for Business Management.
	Deputy Program Mgr for Technical Development.
Space Shuttle Program Office	Manager, Space Shuttle Program Integration.
	Mgr, Space Shuttle Mgmt Integration Office.
	Manager, Shuttle Projects Office (MSFC).
	Mgr, Launch Integration (KSC).
	Director, Space Shuttle Operations.
	Mgr, Space Shuttle Business Office.
	Asst Mgr, Space Shuttle Prog Space Flight O/C.
	Asst Manager, Space Shuttle Program.
Mission Operations	Director Mission Operations.
	Assistant to the Asst Dir for Program Support.
	Chief Flight Director Office.
	Deputy Director, Mission Operations.
	Assistant Director for Program Support.
	Asst Dir for Operations.
	Chief, Integrated Planning System Office.
	Chief, Simulator & Operations Technology Div.
	Manager, Mission Ops Business Mgmt Office.
Flight Crew Operations	Chief, Aircraft Operations Division.
	Dep Dir, Flight Crew Operations.
Engineering	Deputy Director, Engineering.
	Chief, Structures and Mechanics Division.
	Chief, Crew & Thermal Systems Division.
	Chief, Automation, R & S Division.
	Director, Engineering.
	Chief Engineer, Space Station Program.
	Chief Avionic Systems Division.
	Dep Mgr, Technol & Proj Implementation Ofc.
	Assistant to the Director, Engineering.
	Manager, Technol & Proj Implementation Ofc.
	Deputy Chief, Avionic Systems Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chief, Aeroscience & Flight Mechanics Div.
	Manager, Advanced Development Office.
	Deputy Mgr, Advanced Development Office.
	Asst Mgr, Advanced Development Office.
	Deputy Manager for Exploration.
Space & Life Sciences	Chief, Medical Sciences Division.
	Assistant Director for Engineering.
	Assistant to the Director for Russian Progs.
	Chief, Flight Crew Support Division.
	Assistant Director for Space Science.
	Deputy Director, Space and Life Sciences.
	Manager Payload Integration & Utilization Ofc.
	Life Sciences Requirements Manager.
	Chief, Solar System Exploration Division.
Information Systems	Director, Business & Information System.
	Deputy Director, Information Systems.
Business Management	Procurement Officer.
	Assistant Director, Business & Info Systems.
	Special Assistant to the Director.
	Assistant to the Director.
Center Operations	Special Assistant for Facility Management.
	Dir Center Operations.
	Deputy Director, Center Operations.
Safety, Reliability & Quality Assurance	Dir, Safety, Reliability, & Quality Assurance.
	Dep Dir, Safety, Reliability & Qual Assurance.
White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir Public Affairs.
	Associate Director.
	Manager Spacelab Carrier Prog.
	Special Assistant to the Director.
	Assoc Dir for Safety & Shuttle Upgrades.
Shuttle Management & Operations	Dir, Shuttle Logistics Project Management.
	Dir of Shuttle Mgmt & Operations.
	Director, Ground Engineering.
	Deputy Manager Launch Intgration.
	Director Process Integration.
Safety, Reliability & Quality Assurance	Director, Safety and Reliability.
	Director, Quality Assurance.
	Director Mission Assurance.
Engineering Development	Deputy Director of Engineering Development.
	Dir, Mechanical Engineering.
	Director, Electronic Engineering.
Installation Management & Operations	Director, Installation Mgmt & Operations.
	Director, Facilities Engineering.
	Deputy Dir, of Installation Mgmt & Operations.
Payload Management & Operations	Director, STS Payload Operations.
	Director Logistics Operations.
	Deputy Director, Payload Operations.
Procurement	Director, Procurement.
Biomedical Operations & Research	Director, Biomedical Ops & Res Office.
Marshall Space Flight Center	Dir, Systems Safety & Reliability Office.
	Director, Procurement Office.
	Chief Financial Officer.
	Assoc Dir for Advanced Planning.
	Director, Safety & Mission Assurance Office.
	Dir, Human Res & Administrative Support Ofc.
	Associate Director.
	Assistant to the Center Dir for Space Station.
	Director, Advanced Transportation Syst Office.
	Associate Director (Technical).
	Dep Dir, Human Res & Adm Support Division.
	Manager X–34 Program.
Program Development	Deputy Director, Program Development.
	Director, Preliminary Design Office.
	Deputy Manager, Technology Transfer Office.
	Dir, Research & Technology Office.
Science & Engineering	Director, Space Sciences Lab.
	Director, Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir Structures & Dynamics Laboratory.
	Deputy Dir, Materials & Processing Laboratory.
	Dep Dir, Mission Operations Laboratory.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dep Dir, Syst Anal & Integration Laboratory.
	Deputy Director, Propulsion Laboratory.
	Dir Astrionics Laboratory.
	Dep Dir Science & Engineering.
	Dir Structures Dynamics Laboratory.
	Chief Engineer Space Shuttle Main Engine Proj.
	Asst Director Science & Engineering.
	Dir, Materials & Processes Laboratory.
	Dep Dir for Space Transporation Systems.
	Manager Space Station Furnace Facility.
	Deputy Manager for Development.
	Director, Mission Operations Laboratory.
	Dep Manager Super Lightweight External Tank.
	Director, Propulsion Laboratory.
	Deputy Director, Space Sci Laboratory.
	Chf Eng, Reusable Launch Vehicle Project.
Institutional & Program Support	Dir Info Systems Office.
	Dir, Institutional & Program Support.
	Dep Dir, Institutional & Program Support.
	Director, Facilities Office.
	Dir Environmental Engineering & Mgnt Office.
Space Shuttle Projects	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Manager Space Shuttle Main Engine Projects.
	Manager, Reusable Solid Rocket Motor Project.
Science & Applications Projects	Manager Global Hydrology & Climate Center.
	Manager Microgravity Projects.
Observatory Projects	Manager, Observatory Projects Office.
	Dep Mgr, Observatory Projects Office.
Payload Projects	Dep Manager Payload Projects Office.
Technology Transfer	Director, Technology Transfer Office.
	Mgr Earth & Space Sciences Projects.
Stennis Space Center	Director Center Operations & Support Director.
	Deputy Director, NASA Stennis Space Center.
	Assoc Director for Institution.
	Director, Propulsion Test Directorate.
	Dir Infor Management Systems.
	Deputy Director, Lead Center Development.
	Manager, Test Management Support.
Office of Space Communcations	Chief, Communications Systems Branch.
Ground Networks	Assistant Associate Administrators (Plans).
Program Integration	Dir Program Integration Division.
Communications & Data Systems	Dir, Communications & Data Systems Div.
	Dir, Ground Network Division.
	Dep Dir, Ground Network Division.
Space Network	Deputy Director Space Network Division.
Office of Safety & Mission Assurance	Dep Assoc Adm for Safety & Mission Quality.
	Director, Programs Assurance Division.
	Mgr Intl Sp Stn Indep A & O Act.
	Technical Advisor for SR M Qa Initiatives.
Safety & Risk Management	Director, Safety Division.
Payloads & Aeronautics	Director, Payloads & Aeronautics Division.
Engineering & Quality Management	Director, Quality Management Office.
Office of Aeronautics	Dep Assoc Admin for Aeronautics Mgmt.
	Senior Engineer.
	Special Assistant for Systems Integrations.
	Director, Inter-Enterprise Operations.
Resources & Management Systems	Director, Resources Management Office.
High Performance Computing & Communications	Spec Asst for Multimedia Technology Transfer.
High Performance Aircraft	Assistant Director for Program Evaluation.
High Speed Research	Dep Dir, High Speed Research Division.
	Director, Alliance Development Office.
National Aero-Space Plane	Assistant Dir for Aircraft Certification Serv.
Ames Research Center	Comptroller.
	Dir., National Rotorcraft Technology Center.
	Special Assistant for Programs.
	Manager, NASA Consolidated Supercomputing Ops.
	Associate Director for Institutional Mgmt.
Aerospace Systems	Chief, Aeronautical T & S Division.
	Chief, Flight Mgmt & Human Factors Division.
	Associate Director for Aeronautics.
	Deputy Director of Aeronautics.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chief, Applied Aerodynamics Division.
Flight Operations	Deputy Chf, Airborne Science & Flight Res Div.
Aerophysics	Dir Software Independent Vertication Facility.
	Chief, Space Technology Division.
	Deputy Director of Information Systems.
Space Research	Chief, Space Science Division.
	Chief, Earth Systems Science Division.
	Chief, Advanced Life Support Division.
	Chief, Information Sciences Division.
	Deputy Director of Space Research.
	Director of Space.
Administration	Deputy Director of Center Operations (Adm).
	Chief, Airborne Science & Flight Res Div.
	Dep Director, Center Operations Directorate.
Engineering & Technical Services	Chf, Systems Engineering Div.
Dryden Flight Research Center	Asst Chief, Flight Operations Division.
	Director, Intercenter Aircraft Operations.
	Asst Dir for Program Integration.
	Assistant Director of Research Facilities.
Flight Operations	Chf, Flight Operations Division.
Aerospace Projects	Chief, Aerospace Projects Office.
Research Engineering	Chief, Research Engineering Division.
Langley Research Center	Chief Engineer.
	Dir of Education Programs.
	Assistant Director for Planning.
Aeronautics	Chief, Aeronautics Systems Analysis Div.
	Deputy Director, Aeronautics Program Group.
Space & Atmospheric Sciences	Chief, Atmospheric Sciences Division.
	Deputy Dir, S & A Sciences Program Group.
	Chief, Space Systems & Concepts Division.
Research & Technology	Chief, Materials Division.
	Chief, Structures Division.
	Chief, Information Systems Division.
	Chf, Flight Dynamics & Controls Division.
	Chief, Fluid Mechanics Division.
	Deputy Dir, Research & Technology Group.
	Chief, Aerodynamics Division.
	Director, Research & Technology Group.
	Chief, Gas Dynamics Division.
Technology Applications	Manager Space Technologies Thrust Office.
Internal Operations	Deputy Dir, Internal Ops Group (Fe & O).
	Chief, Aerospace Electronics Systems Division.
	Chief, Experimental Testing Technology Div.
	Deputy Dir, for Engineering & Info Syst (IOG).
	Special Assistant.
	Procurement Officer.
High-Speed Research Project	Director for High-Speed Res Project Office.
Hypersonic Vehicles	Director, Hypersonic Vehicles Offices.
Safety, Environmental & Mission Assurance	Dir, Ofc of Safety, E & M Assurance.
Comptroller	Chief Financial Officer.
Lewis Research Center	Deputy Director for Operations.
Aeronautics	Chf, Propulsion Systems Div.
	Chf, Internal Fluid Mechanics Division.
	Chf, Aeropropulsion Analysis Office.
Aerospace Technolgy	Chief, Space Propulsion Technology Division.
	Chief, Structural Systems Division.
	Chief, Structures Division.
	Deputy Director of Aerospace Technology.
	Chief, Space Communications Division.
	Chief, Power Technology Division.
	Chief, Interdisciplinary Technology Office.
Space Flight Systems	Chf, Advanced Space Analysis Office.
	Manager, Acts Project Office.
	Chief, Space Experiments Division.
	Deputy Director of Space Flight Systems.
	Chief, Power Systems Project Office.
	Senior Advisor for Advanced Concepts.
Engineering	Chf, Electronics & Control Systems Division.
	Director of Engineering.
	Deputy Director of Engineering.
	Chief, Propulsion & Fluid Systems Division.
	Chief Engineer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Administration & Computer Services	Chief, Computer Services Division.
	Dir. Adm & Computer Services Directorate.
External Programs	Director, External Programs.
Mission Safety & Assurance	Chf, Ofc of Sfty, Reliability & Quality Assur.
Comptroller	Comptroller.
Office of Space Science	Special Ast to the Deputy Assoc Admin.
	Asst Associate Admr for Technology.
	Manager, Cassini Program.
Solar System Exploration	Chief, Flight Programs Branch.
	Dep Dir, Solar System Exploration Division.
	Chief, Flight Programs Branch.
	Senior Program Dir, Solar Syst Exploration.
	Director, Mission & Payloa Development Div.
	Senior Program Executive for JPL Programs.
	Dir, Advanced Technol & Mission Studies Div.
Space Physics	Chief, Solar Physics Branch.
	Senior Program Executive for GSFC/APL Progs.
	Senior Program Director, Sun-Earth Connection.
	Chief, Planetary Science Branch.
	Sr Sci Prog Executive for Review & Evaluation.
	Director, Research Program Management.
Technology & Information Systems	Sr Sci Program Executive for Information Syst.
Astrophysics	Science Program Director, Galaxy & Universe.
	Chf, Ultraviolet/Visible Astrophysics Branch.
	Deputy Dir, Astrophysics Division.
	Assistant Director for Strategic Planning.
	Asst Assoc Admr for Education & Outreach.
	Science Prog Dir, Origins & Planetary Systems.
Microgravity Science & Applications	Dir, Microgravity Sciences & Applications Div.
Life & Biomedical Sciences	Chief, Envir Sys & Life Support Branch.
	Dir, Life & Biomedical Science & Applics Div.
Aerospace Medicine & Occupational Health	Director, Program Integration Office.
	Dir, Aerospace Med & Occupational Health Div.
Flight Systems	Chief, Mission Management Branch.
	Deputy Dir, Flight Systems Division.
Office of Inspector General	Assist Inspector General for Investigation.
	Assistant Inspector General for Auditing.
	Asst Insp Gen for Partnerships & Alliances.
Office of Space Access & Technology	Manager, Systems Integration.
	Chief Engineer.
	Special Assistant to the Director.
	Manager, Industry Planning.
	Manager, Orbital Maneuvering Vehicles.
	Manager, Communications Experiments.
	Deputy Assoc Admr for Space Access & Technol.
	Director, Commerical Dev & Technol Transfer.
	Manager for Propulsion Technology.
	Director, Space Processing Division.
	Special Asst for Commerical Development.
	Special Assistant for Facilities.
	Deputy Dir, Spacecraft Systems Division.
	Deputy Dir, Commerical Dev & Technol Transfer.
	Deputy Director, Space Transportation Div.
	Director, Space Transportation Division.
	Special Assistant for Special Projects.
Office of Mission to Planet Earth	Dep Assoc Admr for Mission to Planet Earth.
	Senior Science Advisor for Intl Programs.
Flight Systems	Director, Flight Systems Division.
Operations, Data & Information Systems	Director, Operations Data & Info Syst Div.
	Chief, Earth Science D & I System Branch.
Science	Director Science Division.
Goddard Space Flight Center	Director of Human Resources.
	Dir of University Programs.
Comptroller	Comptroller.
Management Operations	Dep Dir of Management Operations.
	Associate Director.
	Associate Director of Acquisition.
Flight Assurance	Director of Flight Assurance.
	Dep Dir of Flight Assurance.
Flight Projects	Deputy Director of Flight Projects.
	Mgr, Hubble Space Telescope Oper & Ground Syst.
	Project Mgr, Earth Observing Syst AM Project.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Assoc Dir of Flt Proj Hubble Space Telescope.
	Proj Mgr, Intl Solar Terr Physics Proj (ISTP).
	Dir of Flight Projects.
	Proj Mgr, Hubble Spc Telescope Syst & Serv.
	Tracking & Data Relay Satellite Tdrs Proj Mgr.
	Assoc Dir for Earth Sci Data & Info System.
	Proj Mgr, Eos-Pm Proj Flighg Proj Direct.
	Project Manager, Explorers Project.
	Project Mgr, Earth Sci D & I Syst Project.
Mission Operations & Data Systems	Chief, NASA Communications Division.
	Assoc Dir of Mission Operations & Data Syst.
	Dep Dir of Mission Operations & Data Systems.
	Chief, Networks Division.
	Chief, Flight Dynamics Division.
	Chf, Mission Ops & Syst Dev Division.
Space Sciences	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Director of Space Sciences.
	Chief, Goddard Institute for Space Studies.
	Chief, Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
Engineering	Dep Dir of Engineering.
	Chief, Electrical Engineering Division.
	Chief Engineer.
	Chief, Special Payloads Division.
	Associate Director of Flight Projects.
	Chief, Mechanical Systems Division.
	Chief, Systems Engineering Division.
	Spec Asst to Dir of Eng (Space Technol Comm).
Suborbital Projects & Operations	Deputy Director, Mission to Planet Earth.
Earth Sciences	Chief, Lab for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Associate Dir for Mission to Planet Earth.
	Asst Dir of Earth Sci for Projects Eng.
	Chf, Laboratory for Atmospheres.
	Deputy Director for Earth Sciences.
	Director for Earth Sciences.
	Chief, Laboratory for Terrestrial Physics.
	Deputy Assoc Dir for Earth Sci D & I Syst.
	Asst Dir of Mission to P/E Prog for Globe.
Office of Policy and Plans	Director of Special Studies.
	Director of Special Projects.
National Archives & Records Administration:	
National Archives & Records Administration	Deputy Archivist of the United States.
	Asst Archivist for the National Archives.
	Asst Archivist for Presidential Libraries.
	Asst Archivist for Federal Records Center.
	Director of the Federal Register.
	Asst Archivist for Records Administration.
	Director, Lyndon B. Johnson Library.
	Asst Archivist for Spec & Regl Archives.
	Assistant Archivist for Administrative Serv.
	Assistant Archivist for Policy & Irm Services.
National Capital Planning Commission:	
National Capital Planning Commission Staff	Executive Director.
	Deputy Executive Director.
	Dir of Intergovernmental & Public Affairs.
	General Counsel.
National Endowment for the Arts:	
National Endowment for the Arts	Director of Guidelines & Panel Operations.
	Director of Administration.
National Endowment for the Humanities:	
National Endowment for the Humanities	Dir, Office of Planning & Budget.
National Labor Relations Board:	
OFC of the Board Members	Executive Secy.
	Deputy Executive Secretary.
	Inspector General.
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
Div of Administration	Director of Administration.
	Deputy Director of Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Div of Operations Management	Assoc General Counsel, Div of Operation-Mgmt.
	Dep Asso Gen Counsel, Div of Operations-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir, Reg 1, Boston.
	Regional Director, Reg 2, New York.
	Regional Director, Reg 3, Buffalo.
	Regl Dir, Reg 4, Philadelphia.
	Regional Director, Reg 5, Baltimore.
	Regional Director, Reg 6, Pittsburgh.
	Regl Dir, Region 7, Detroit Mich.
	Regional Director, Reg 8, Cleveland.
	Regional Director, Reg 9, Cincinnati.
	Regl Dir, Reg 10, Atlanta.
	Regl Dir, Reg 11, Winston Salem.
	Regional Director, Reg 12, Tampa.
	Regional Director, Reg 13, Chicago.
	Regl Dir, Reg 14, St Louis.
	Regl Dir, Reg 15, New Orleans.
	Regl Dir, Reg 16, Ft Worth.
	Regl Dir, Reg 17, Kansas City.
	Regl Dir, Reg 18, Minneapolis.
	Regl Dir, Reg 19, Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg 21, Los Angeles.
	Regional Director, Reg 22, Newark.
	Regional Director, Reg 24, Hato Rey Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir, Reg 26, Memphis.
	Regl Dir, Reg 27, Denver.
	Regl Dir, Reg 28, Phoenix.
	Regl Dir, Reg 29, Brooklyn.
	Regl Dir, Reg 30, Milwaukee.
	Regl Dir, Reg 32, Oakland.
	Regional Director, Reg 33, Peoria, Ill.
	Regl Dir, Reg 31, Los Angeles.
	Regional Director, Reg 34, Hartford.
National Science Foundation:	
Office of the Director	Executive Asst & Special Counsel.
Office of the General Counsel	Deputy General Counsel.
Office of Policy Support	Senior Advisor.
	Sr Staff Associate/Policy Analysis.
	Senior Staff Associate.
Office of Polar Programs	Deputy Office Director.
	Head, Polar Research Support Section.
Office of the Inspector General	Inspector General.
	Assistant Inspector General for Oversight.
	Dep Inspector Gen & Senior Legal Advisor.
	Asst Inspector General for Audit.
National Science Board	Senior Staff Associate.
Directorate for Geosciences	Senior Science Associate.
Division of Atmospheric Sciences	Section Head, Upper Atmosphere Section.
	Head, Lower Atmosphere Section.
Division of Earth Sciences	Head, Major Projects Section.
	Section Head, Research Grants Section.
Division of Ocean Sciences	Section Head, Ocean Sciences Research Section.
Director for Engineering	Senior Engineering Advisor.
Division of Engineering Education & Centers	Deputy Division Director (Education).
	Senior Staff Associate.
	Senior Engineering Advisor.
Division of Design, Manufacture & Industrial Innovation	Senior Advisor, Technology Integration.
	Senior Advisor.
Division of Civil and Mechanical Systems	Head Hazard Mitigation Section.
Directorate for Biological Sciences	Executive Officer.
Division of Environmental Biology	Deputy Division Director.
Division of Molecular & Cellular Biosciences	Deputy Director.
Directorate for Mathematical and Physical Sciences	Executive Officer.
	MPS Coordinator.
	Special Assistant to the Assistant Director.
Division of Physics	Executive Officer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Division of Astronomical Sciences	Executive Officer.
Division of Mathematical Sciences	Executive Officer.
Division of Materials Research	Executive Officer.
	Senior Staff Scientist.
Directorate for Education & Human Resources	Deputy Asst Director.
	Senior Staff Associate.
Division of Undergraduate Education	Senior Staff Associate.
Directorate for Social, Behavioral and Economic Sciences	Exe Officer Social Behavioral Econ Sciences.
	Senior Advisor Planning & Policy.
Division of International Programs	Deputy Division Director.
	Senior Staff Associate.
	Senior Staff Associate.
Division of Social, Behavioral & Economic Research	Deputy Director.
Directorate for Computer & Info Science & Engineering	Deputy Asst Dir.
Div of Computer and Computation Research	Deputy Division Director.
Division of Microelectronic Information Processing Sys	Deputy Division Director.
Div of Networking & Comm Res & Infrastructure	Deputy Division Director.
Office of Budget, Finance and Award Management	Director, Ofc of Budget, F & A Management.
Budget Division	Director, Budget Division.
Division of Financial Management	Division Director.
Division of Grants & Agreements	Division Director.
	Deputy Director.
Division of Contracts, Policy & Oversight	Division Director.
Office of Information and Resource Management	Dep Dir, Ofc of Information & Resource Mgmt.
	Senior Staff Associate.
Division of Information Systems	Dep Dir, Div of Information Systems.
Division of Human Resource Management	Div Dir, Div of Human Resource Management.
Division of Administrative Services	Dir, Division of Administrative Services.
National Transportation Safety Board:	
Office of the Managing Director	Deputy Managing Director.
	Chief Technical Advisor.
Office of Administration	Dir Office of Administration.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Deputy Director Ofc of Aviation Safety.
Office of Research & Engineering	Dir Ofc of Research and Engineering.
	Deputy Dir Ofc of Research and Engineering.
Office of Safety Recommendations	Director Ofc of Safety Recommendations.
Office of Surface Transportation Safety	Dir Ofc of Surface Transportation Safety.
	Deputy Director.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chairman ASLBP.
	Deputy Chief Administrative Judge Executive.
Office of the Inspector General	Asst Inspector General for Investigations.
	Asst Inspector General for Audits.
Deputy GC for Licensing & Regulation	Deputy Assistant GC/Legislative Counsel.
Dep GC for Hearings, Enforcement & Administration	Deputy Assistant GC for Administration.
Assistant GC for Hearings and Enforcement	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
Office of Commission Appellate Adjudication	Dir Ofc of Comm Appellate Adjudication.
Division of Operational Assessment	Deputy Director, Div Incident Response.
	Special Assistant to the Director.
Division of Safety Programs	Chief Reactor Analysis Branch.
	Chf Reliability & Risk Assessment Branch.
Office of Administration	Assoc Dir for Contract, Security, FOI & Publ.
	Director, Div of Security.
	Dir Div of Freedom of Info & Publications.
Office of Information Resources Management	Dep Dir/LSS Admr, Ofc of Info Res Mgmt.
Office of the Controller	Dep Chief Financial Officer/Controller.
	Deputy Controller.
	Dir Division of Budget and Analysis.
	Dir Division of Accounting and Finance.
	Special Assistant for Internal Controls.
Ofc of Small and Disadv Bus Utilization/Civil Rights	Director.
Office of Nuclear Reactor Regulation	Proj Dir Project Directorate II–1.
	Project Director Project Directorate IV–3
	Chf, Vendor Inspection Branch.
	Chf, Radiation Protection Branch.
	Dep Dir Div of Radiation Safety & Safeguards.
Division of Inspection and Support Programs	Dir, Inspection & Support Programs.
	Chief, Plng, Program & Mgmt Support Branch.
	Chf, Inspection Program Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chf, Special Inspections Branch.
Associate Director for Projects	Dir, Cost Benefits License Act Programs.
Division of Reactor Projects I–II	Project Dir, Project Directorate I–1.
	Project Director, Project Directorate I–2.
	Project Director, Project Directorate I–4.
	Proj Dir Project Directorate II–2.
	Proj Dir Project Directorate II–3.
	Project Dir Project Directorate II–4.
	Deputy Dir, Div of Reactor Project I & II.
Division of Reactor Projects III & IV	Chf, Technical Specification Branch.
	Proj Dir Project Directorate III–1.
	Proj Dir Project Directorate III–2.
	Proj Director Project Directorate III–3.
	Proj Dir, Project Directorate IV–1.
	Chf, Events A & G Communications Branch.
	Proj Dir, N–P Reactor, D & E Proj Directorate.
	Project Dir, Proj Directorate IV–2.
	Chief, Iseneric Issues & Envir Proj Branch.
Division of Engineering.	
	Chief, Materials & Chemical Engineering BR.
	Chf, Mechanical Engineering Branch.
	Chief Civil Eng & Geosciences Branch.
	Chief Electrical Engineering Branch.
Division of Systems Safety & Analysis.	
	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chief Probabilistic Safety Assessment Branch.
	Chief Containment Sys & Severe Accident Brch.
Division of Reactor Controls and Human Factors	Chf, Human Factors Assessment Branch.
	Chf, Operator Licensing Branch.
	Chf, Instrumentation & Control Branch.
	Chf, Quality Assur & Maint Branch.
Division of Reactor Program Management	Chf, Emergency P & R Protection.
	Chf, Safeguards Branch.
	Project Dir, Standardization Proj Directorate.
	Proj Dir License Renewal & Environmental Rev.
Office of Nuclear Material Safety and Safeguards	Deputy Director, Spent Fuel Project Ofc.
	Chief Transportation & Storage Safety.
Division of Fuel Cycle Safety & Safeguards	Chief, Operations Branch.
	Chief, Regl & Intl Safeguards Branch.
	Chief, Enrichment Branch.
	Chief, Licensing Branch.
Div of Industrial & Medical Nuclear Safety	Chief, Operations Branch.
	Chief, Medical, Acad & Com Use Sfty Branch.
	Chief Source Containment & Devices Br.
Division of Waste Management	Chf, High Level Waste & Uranium Recovery Proj.
	Chief, Perf Assess & Hydrology Branch.
	Chief, Engineering & Geosciences Branch.
	Asst to the Dir, Div of Waste Management.
	Chf, Low Level Waste & Decommissioning Proj.
Ofc of Nuc Regulatory Research	Director: Fin Mgt, Procurement & Admin Staff.
Division of Engineering Technology	Chief, Generic Safety Issues Branch.
	Chief, Elect, M & M Engineer Branch.
	Chief, Structural & Geological Eng Branch.
Division of Regulatory Applications	Chief Regulation Development Branch.
	Chief Waste Management Branch.
	Chf, Radiation Protection & Health Effects Br.
Divisions of Systems Technology	Chief Accident Evaluation Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chief, Reactor and Plant Systems Branch.
	Chief Control Instr & Human Factors Branch.
Region I	Deputy Regional Administrator.
	Dir, Div of Nuclear Materials Safety.
	Dep Dir, Div of Nuclear Materials Safety.
	Director Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
Region II	Deputy Regional Administraor Region II.
	Dir, Div of Nuclear Materials Safety.
	Dep Dir, Div of Nuclear Materials Safety.
	Director, Division of Reactor Projects.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
Region III	Dep Regional Administrator Region III.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director Division of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
	Dep Dir, Nuclear Materials Safety.
Region IV	Deputy Regional Administrator Region IV.
	Director Div of Reactor Prjects.
	Deputy Director, Div of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
	Dir, Division of Reactor Safety.
	Dep Dir, Nuclear Materials Safety.
	Dep Dir, Division of Reactor Safety.
Office of Government Ethics:	
Office of Government Ethics	Deputy Director.
	Deputy General Counsel.
	Associate Director for Agency Programs.
Office of Management and Budget:	
Office of the Director	Assistant Director for Administration.
	Deputy Associate Dir For Economic Policy.
	Staff Assistant.
	Senior Advisor to the Dep Dir for Management.
	Dep Assistant Director for Administration.
	Assistant to the Deputy Director for Mgmt.
Legislative Reference Division	Asst Dir Legislative Reference.
	Chief, Labor, Welfare, Personnel Branch.
	Chief, Economics, Science & Govt. Branch.
	Chief, Resources-Defense-International Branch.
	Associate General Counsel for Budget.
Office of Federal Procurement Policy	Dep Admin for Procurement Law & Legislation.
Office of Information and Regulatory Affairs	Chief, Information Policy & Technology Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief Statistical Policy Branch.
	Chief, Natural Resources Branch.
	Senior Advisor.
Office of Federal Financial Management	Chief Management Integrity Branch.
	Deputy Controller.
	Chief Federal Financial Systems Branch.
Budget Review Division	Asst Dir for Budget Review.
	Dep Asst Dir For Budet Analysis & Systems.
	Chief Budget Analysis Branch.
	Dep Chief Budget Analysis Branch.
	Dep Asst Dir for Budget Review & Concepts.
	Chief, Budget Concepts Branch.
	Chief, Budget Systems Branch.
International Affairs Division	Dep Assoc Dir for Internatl Affairs.
	Chief, State—USIA Branch.
	Chief, Economic Affairs Branch.
National Security Division	Dep Assoc Dir for National Security.
	Chief, Comand, Ctrl, Comms, & Intellg Branch.
	Chief, Force Structure & Investment Branch.
	Dep Chief Natl Sec Div & Chief Oper Sup Branch.
Associate Director for Human Resources	Associate Director for Human Resources.
Human Resources Division	Chief, Labor Branch.
	Deputy Assoc Dir for Human Resources.
	Chf, Income Maintenance Branch.
Transportation, Commerce, Justice & Services Division	D/A for Transp Commerce, Justice & Services.
	Chief Commerce Branch.
	Chief Transport Branch.
	Chief, Justice/GSA Branch.
Housing, Treasury And Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury Branch.
	Senior Advisor for Cash & Credit Mgmt.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science	Senior Advisor.
Natural Resources Division	Dep. Associate Dir. for Natural Resources.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Chief, Agricultural Branch.
	Chief, Environmental Branch.
	Chief Interior Branch.
Energy and Science Division	Dep Assoc. Dir for Energy & Science.
	Chief, Water and Power Branch.
	Chief Science and Space Programs Branch.
	Chief, Energy Branch.
Health Division	Deputy Associate Director for Health.
	Chief Health Programs & Services Branch.
	Chief Health & Financing Branch.
VA/Personnel Division	CHF Veteran Affairs Branch.
	Deputy Assoc Director for VA & Personnel.
	Chief, Personnel, Portal, Exop Branch.
Office of Personnel Management:	
Office of the Chief Financial Officer	Chief Financial Officer.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits.
Office of Actuaries	Director, Office of Actuaries.
Office of Insurance Programs	Asst Dir for Insurance Program.
Office of Retirement Programs	Asst Dir for Retirement Programs.
Personnel Research and Development Center	Director, Personnel Res & Development Center.
Staffing Service Center	Director, Staffing Automation.
Office of Classification	Asst Dir for Classification.
Investigating Service	Asst Dir for Wash Investigation & Training.
	Director, Fed Investigation Systems.
Office of Information Technology	Chief Information Technology Officer.
Office of Contracting and Administrative Services	Director of Contracting & Administrative Serv.
Office of Merit Systems Oversight and Effectiveness	Asst Dir for Merit Systems Oversight.
Office of Executive Resources	Asst Director for Executive Resources.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Spec Counsel (Investigation).
	Assoc Special Counsel (Prosecution).
	Deputy Associate Spec Counsel for Prosecution.
	Director for Management.
Railroad Retirement Board:	
Board Staff	Dir of Unemployment and Sickness Insurance.
	Chief of Data Processing.
	Director of Hearings and Appeals.
	Dir of Retirement & Survivor Programs.
	Chief Actuary.
	Director of Field Service.
	Director of Administration & Operations.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Director of Taxation.
	General Counsel.
	Dir of Operations.
	Dir of Policy & Systems.
Office of Programs	Director of Programs.
Bureau of Information Systems	Chief Information Officer.
Securities and Exchange Commission:	
Office of the Chief Accountant	Dep CHF Accountant.
Office of the Executive Director	Associate Executive Director (Finance).
	Associate Executive Director (Administration).
Div of Corporation Finance	Associate Director (Operations).
	Associate Director (Legal).
Small Business Administration:	
Office of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Asst Inspector General for Magnt Legal Cousl.
	Assistant Inspector Gen/Inspector & Eval.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
	Assoc Gen Coun—SBIC Liquidation/Litigation.
Office of Equal Employment O & C Rights Compliance	Asst Admr for Equal Employ O & C Right Compl.
Office of Hearings and Appeals	Asst Administrator for Hearings and Appeals.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of Financial Assistance	Assoc Administrator for Financial Assist.
	Dep Assoc Admr for Financial Assistance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Asst Admr for Borrower and Lender Servicing.
Office of Surety Guarantees	Assoc Administrator for Surety Guarantees.
Office of Minority Enterprise Development	Assoc Admr for MSB-COD.
	Dep Assoc Admr for Programs (MSB & COD).
Office of Management and Administration	Chief Fin Ofc & Assoc Dep Adm for MGT & ADM.
Office of Information Resources Management	Asst Adm for Information Resources Management.
	Dep Asst Adm for Information Res Mgmt.
Office of Human Resources	Asst Administrator for Human Resources.
District Directors	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
Social Security Administration:	
Office of the Inspector General	Asst Inspector Gen for Social Security Audits.
	Asst Inspector Gen for Investigation, P & O.
	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigations.
	Deputy Inspector General.
	Dep Asst Inspector General for Audits.
Office of Actuary	Chief Actuary.
	Deputy Chiefs Actuary (Long-Range)
	Deputy Chief Actuary (Short-Range)
Office of Finance, Assessment and Management	Senior Financial Executive.
Office of Financial Policy and Operations	Assoc Comr, Office of Fin Policy & Operations.
	Dep Assoc Comm Financial Policy & Operations
Office of Acquisition and Grants	Assoc Commissioner for Acquisition & Grants.
Division of General Law	Associate General Counsel for General Law.
Department of State	
Bureau of Administration	Director, Office of Acquisitions
Bureau of Intelligence and Research	Dir Ofc of Intelligence Resources.
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Asst Insp Gen for Policy, Plng and Management.
	Dep Asst Inspector Gen for Inspections.
	Dep Asst Insp Gen for Ofc of Secur Oversight.
	Deputy Inspector General.
	Asst Inspector Gen for Security Oversight.
Bureau of Personnel	Director, Ofc of Civil Service Personnel Mgmt.
International Boundary & Water Commission	Supervisory Civil Engineer, Operations.
Department of Transportation:	
Office of Inspector General	Asst Insp General for Auditing.
	Asst Inspector General for Invetigations
	Dep Asst Inspector Geenral for Auditing.
	Dep Asst Inspector General for Investigations
	Deputy Inspector General.
	Asst Inspector General for Inspections & Eval.
	Director of Administration.
	Dir Ofc Onfo Tech Financial & Secretarial Aud.
	Senior Counsel.
Asst Secretary for Budget & Programs	Deputy Chief Financial Officer.
Asst Sec for Administration	Asst Secy for Administration.
Office of Acquisition & Grant Management	Director Ofc of Acquisition & Grant Mgnt.
Assoc Adm'r for Safety	Assoc Admr for Safety.
Office of Safety Enforcement	Director, Office of Safety Enforcement.
Associate Administration for Pipeline Safety	Assoc Admr for Pipeline Safety.
Ofc of Assoc Admr for Ship Financial A & C Preference	Assoc Admr for Ship Fin A & C Preference.
Office of the Administrator	Senior Advisor.
Organization Abolished	Dir Ofc of Safety Service.
Organization Abolished	Dir, Office of Airport Planning & Program Mgr, Airports Fin Assistance Division.
Organization Abolished	Dep Asst Admr for Civil Aviation Security.
Organization Abolished	Dir, Ofc of Civil Avn Security Pol & Planning.
Organization Abolished	Dir Ofc of Civil Aviation Security Operations.
	Dep Dir, Ofc of Civil Aviation Security OPS.
Organization Abolished	Dir Ofc Civil Aviation Security Intelligence.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Organization Abolished	Director Asia/Pacific Office.
Organization Abolished	Director, Air Traffic Service, AAT–1.
	Deputy Director, Air Traffic Service, AAT–2.
Organization Abolished	Prog Dir, Spectrum Pol & Management Program.
Organization Abolished	Mgr, Air Traffic Division.
	Mgr, Air Traffic Division.
	Mgr, Air Traffic Div.
	Manager, Air Traffic Division.
	Mgr, Air Traffic Division.
	Mgr, Air Traffic Division.
	Manager, Air Traffic Division.
	Manager, Air Traffic Division, ANE–500.
Organization Abolished	Manager, Procedures Division.
	Mgr, Airspace—Rules & Aeronautical Inf. Div.
	Dir, Air Traffic Rules & Procedures Service.
Organization Abolished	Director, Air Traffic System Management.
Organization Abolished	Dir, Air Traffic Plans & Requirements Serv.
	Manager, System Plans & Programs Div.
	Mgr Automation Software Pol & Plnng Division.
	Manager, Advanced Syst & Facilities Div.
Organization Abolished	Dir, Ofc of Air Traffic Syst Effectiveness.
Organization Abolished	Dir, Ofc of Air Traffic Program Management.
Organization Abolished	Assoc Administrator for Aviation Standards.
	Dir, Aircraft Prog, Pol & Plans Staff, AAD–30.
Organization Abolished	Fed Air Surgeon.
	Deputy Federal Air Surgeon.
	Director, Civil Aeromed Institute.
Organization Abolished	Dir, Office of Accident Investigation.
Organization Abolished	Prog Dir, Aviation Syst Standards.
Organization Abolished	Prog Dir, NAS Transition & Implementation Dir.
Organization Abolished	Program Director, NAS Operations Directorate.
Organization Abolished	Assoc Admr for Regulations & Certification.
	Dep Assoc Admr for Regul & Certification.
Organization Abolished	Dir, Aircraft Certification Service.
	Deputy Director, Aircraft Certification Service.
	Manager, Aircraft Engineering Division.
	Manager, Aircraft Manufacturing Division.
Organization Abolished	Mgr, Transport Airplane Directorate.
	Mgr, Engine & Propeller Directorate.
	Mgr, Small Airplane Directorate.
	Manager, Rotorcraft Directorate.
Organization Abolished	Dir, Flight Standards Service.
	Dep Dir, Flight Standards Service.
	Manager, Air Transportation Division.
	Manager, Aircraft Maintenance Division.
	Mgr, Flight Standards Natl Fld Ofc, AFS–500.
	Manager, Technical Programs Division.
Organization abolished	Mgr, Flight Standards Div.
	Mgr, Flight Standards Division.
	Mgr, Flight Standards Div.
	Manager, Flight Standards Division.
	Mgr, Flight Standards Div.
	Mgr, Flight Standards Div.
	Mgr, Flight Standards Division.
	Mgr, Flight Standards Div.
Organization Abolished	Program Mgr for Advanced Automation.
	Dep Prog Mgr for Advanced Automated System.
	Integrated Prod Team Leader for Term, AUA–300.
	Program Manager for Enroute Systems.
Organization Abolished	Program Dir for Navigation & Landing Aids.
Organization Abolished	Mgr, Contracts Division.
	Director, Ofc of Acquisition, ASU–1.
	Deputy Director, Ofc of Acquisition.
Organization Abolished	Program Mgr, Business & Financial Mgmt.
	Integrated Product Team Leader Voice S&C.
	Integrated Product Team Leader Communication.
Organization Abolished	Deputy Director.
	Programs Director, Program Evaluation.
Federal Highway Administration	Executive Director.
	Director, Ofc of Compliance & Consumer Asst.
Office of Fiscal Services	Dir, Ofc of Budget & Finance.
Associate Administrator for Safety & System App	Assoc Admr for Safety & System Applications.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Office of Highway Safety	Dir, Office of Highway Safety.
Office of Motor Carrier Standards	Dir Ofc of Motor Research & Standards.
Office of Motor Carrier Safety Field Operations	Director Ofc of Motor Carrier Field Operation.
Office of Environment & Planning	Chief Environmental Operations Division.
Office of Real Estate Services	Dir Ofc of Real Estate Services.
Natl Center for Statistics and Analysis	Chf, Accident Investigation Div.
Associate Administrator for Safety Assurance	Associate Administrator for Safety Assurance.
Ofc of Defects Investigation	Dir-Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp	Dir-Ofc of Vehicle Safety Compliance.
Office of the Chief of Staff	Director of Finance and Procurement.
Surface Transportation-Board	Director of Economics, Environmental A & A.
Office of Proceedings	Deputy Director—Legal Analysis.
DEPARTMENT OF TREASURY:	
Assistant Secretary (International Affairs)	Dir Ofc of Foreign Exchange Operations.
Fiscal Assistant Secretary	Fiscal Assistant Secretary.
	Assistant Fiscal Assistant Secretary.
Financial Management Service	Commr of Financial Management Service.
	Dep Com Financial Management Service.
	Dir, Regional Financial Center (Chicago).
	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).
	Comptroller.
	Director, Systems Services Directorate.
	Asst Commissioner, Information Resources.
	Assistant Commissioner, Federal Finance.
	Director Operations Group.
	Assistant Commissioner, Regional Operations.
	Asst Comr, Management (Chief Fin Ofcr).
	Dir. Systems Development Directorate.
	Dir. Fin Information Management Directorate.
	Dir. Technology & Information Group.
	Assistant Commissioner, Financial Information.
	Assistant Commissioner (Agency Services).
	Associate Deputy Commissioner for Re-Engineer.
Bureau of the Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Government Securities Act Program Director.
	Government Securities Policy Advisor.
	Asst Commr/Securities & Accounting Services.
	Asst Commissioner (Automated Info Systems).
	Asst Commissioner (Public Debt Accounting).
Assistant Secretary (Enforcement)	Dep Dir, Financial Crimes Enforcement Network.
	Director Fincen.
	Assoc Dir, Ofc of Mgmt/Chf Fin Ofcr, Fincen.
	Senior Advisor to the Asst Secy (Enforcement).
	Dir Exe Ofc for Asset Forfeiture.
Bureau of Alcohol, Tobacco and Firearms	Associate Director (Enforcement).
	Special Agent in Charge (NY District Office).
	Spec Agent in Charge (Washington Dist Office).
	District Director (North Atlantic District).
	Assistant Director (Inspection).
	Director, Laboratory Services.
	Dep Assoc Dir Reg Enforcement Field Operation.
	Sac, Chicago Field Division.
	Dep Assoc Dir (Criminal Enforcement Programs).
	Special Agent in Charge.
	Dep Assoc Dir Criminal Enforcement Field Oper.
	Dep Assoc Dir Criminal Enfor Field Oper West.
	Asst Dir Science & Information Technology.
	Dep Asst Dir. (Sci & Info Technology).
	Dep Assoc Dir Regulatory Enforcement Programs.
	Dep Asst Dir (Liaison & Public Information).
	Deputy Director.
	Asst Dir (Liaison & Public Information)
Chief Counsel	Assistant Chief Counsel (Chicago).
	Staff Assistant to the Chief Counsel.
US Customs Service	Deputy Assistant Commissioner (Enforcement).
	Asst Commissioner for Internal Affairs.
	Dir, International Trade Compliance Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dir Ofc of Regulatory Audit.
	Special Agent in Charge, Miami.
	District Director, Laredo.
	Director, Investigative Operations Division.
	Dir, Office of Enforcement Support.
	Special Agent in Charge—New York.
	Special Agent in Charge.
	Dir, Customs Management Center, New York.
	Area Dir, Newark.
	Dir, Customs Management Center.
	Dir, Strategic Trade Center, New York.
	Asst Commissioner, Field Operations.
	Dir, Strategic Trade Center, Plantation, FL.
	Dir, Customs Management Center, Gulf.
	Dir, Customs Management Center.
	Dir, Customs Management Center—S. Texas.
	Director, Customs Management Center.
	Project Executive.
	Asst Commissioner, Regulations & Rulings.
	Dir, Strategic Trade Center, Chicago.
	Area Director, JFK Airport.
	Port Director—Los Angeles.
	Asst Commissioner, Infor & Technical Services.
	Dir, Customs Management Center, South Florida.
	Special Agent in Charge (New Orleans).
	Dep Dir, Ofc of Regulatory Audit.
	Asst Commissioner, Investigations.
	Processes & Policy Executive.
	Dir, Laboratories & Scientific Services.
	Project Executive.
	Dir, Strategic Trade Center Operations.
	Special Agent in Charge.
	Dir, Budget and Planning.
	Exec Dir, The Interdiction Committee.
	Assistant Commissioner, Finance.
	Project Executive.
	Dir, Tariff Classification Appeals Division.
	Dir, Strategic Trade Center, Long Beach.
	Dir, Strategic Trade Center, Dallas/Ft Worth.
	Special Agent-in-Charge (Seattle, Wash).
	Special Agent in Charge—Baltimore.
	Dep Asst Comr, Ofc of A&M Interdiction.
	Special Agent in Charge (Houston).
	Dir, Customs Management Center.
	Dir, Office of Planning.
	Director, Applications Development Division.
	Dir, Customes Management Center, East Texas.
	Executive Director, Customs Management Center.
	Dir, Customs Management Center, South Pacific.
	Project Exec (Dir, Intervention Management).
	Asst Commissioner, Strategic Trade.
	Special Agent-in-Charge (San Diego).
	Asst Commissioner, Human Resources Mgmt.
	Director, Ofc of Automated Commercial Systems.
	Special Agent-in-Charge (Chicago).
	Special Agent-in-Charge-Dallas.
	Deputy Chief Financial Officer.
Customs Chief Counsel	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	Associate Chief Counsel, Enforcement.
	Assoc Chief Counsel (Trade Tariff & Leg).
	Regional Counsel (Southwest Region).
	Assoc Chief Counsel (Administration).
	Regional Counsel (Pacific Region).
Secret Service	Asst Director, Investigations.
	Special Agent in Charge, New York Office.
	Director of the Secret Service.
	Deputy Director, U.S. Secret Service.
	Asst Dir (Protective Operations).
	Asst Dir (Protective Research).
	Assistant Director, Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Assistant Director, Inspection.
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge-Presidential Protective.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Dep. Asst. Dir. (Protective Research).
	Assistant Director—Training.
	Asst Director—Govt Liaison and Public Aff.
	Spec Agent in Charge—VP Protect Div.
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Special Agent in Charger, Detroit.
	Special Agent in Charge, Dallas Field Office.
	Deputy Asst Dir Investigations.
	DAD—Administration.
	Deputy Special Agent in Charge Pres Prot Div.
	DAD (Uniformed Forces, F & E Dev), Ofc Trng.
	Special Agent in Charge—Houston Field Ofc.
	Deputy Asst Director Office of Inspection.
	Spec Agent in Charge—Miami Field Office.
	Deputy Special Agent in Charge—VP Prot Div.
	Dep Asst Dir Protective Operations.
	Chf, Info Resources Management Division.
	Special Agent in Charge/Dignitary Prot Div.
	Special Agent in Charge—Boston Field Office.
	Spec Agent in Charge—Atlanta Field Office.
Ofc of the Inspector General	Dep Asst Inspector Gen for Audit (Fin Mgmt).
	Dep Asst Inspector Gen for Audit (Fin Mgmt).
	Dep Asst Inspector Gen for Audit (Audit Ops).
	Assistant Inspector General for Resources.
	Assistant Inspector General for Audit.
	Director of Oversight.
	Executive Assistant.
	Asst Inspector General for Investigations.
	Assoc Inspector Gen for Audit (Prog Audits).
	Dep Ass Inspector Gen for Investigations.
Assistant Secretary (Economic Policy)	Asst Dir for Economic Forecasting.
	Sr Economist.
Assistant Secretary (Tax Policy)	Dir (Economic Mod & Computer Applications).
Assistant Secretary (Management)	Director, Office of Procurement.
	Deputy Chief Financial Officer.
	Dep to the Chf Fin Ofcr for Pol & Planning.
United States Mint	Assoc Director, Chief Operating Officer.
	Dep Assoc Dir for Finance & Dep Chief Fin Ofc.
	Associate Director for Marketing.
	Assoc Dir for Pol & Mgmt Chf Fin Officer.
Organization Abolished	Special Agent in Charge (LA District Office).
	Special Agent in Charge (Miami District Ofc).
Organization Abolished	Director Ofc of Foreign Operations.
Organization Abolished	Deputy Chief Financial Officer (Cfo).
Organization Abolished	Exec Dir for Workforce Plann & Diversity Mgnt.
	Special Asst to the Director.
Internal Revenue Service	Reg Dir of Appeals, Mid-Atlantic Region.
	Regional Dir of Appeals North Atlantic Region.
	Regional Director of Appeals—Western Region.
	Asst to the Commissioner (Equal Opportunity).
	Chief Appeals Office in New York City.
	Deputy Commissioner.
	Special Asst to the Deputy Commissioner.
	National Transition Executive.
	Taxpayer Ombudsman.
	Chief, Appeals Office, Long Island.
	Regional Director of Appeals.
	Asst Natl Transition Executive for Appeals.
	National Director of Appeals.
	Chief Compliance.
	Associate Commissioner for Modernization.
	Assistant Dir, Office of Business Transition.
	District Office Transition Site Executive.
	Computing Cet Transition Site Executive.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Assistant National Transition Executive.
	Deputy National Dir of Appeals.
	Submission Processing Transition Site Exec.
	Customer Service Transition Site Executive.
	Asst to the Senior Dep Commissioner.
	Director, Office of Business Transition.
	Management Systems Site Executive.
North Atlantic Region	Reg Commr.
	Service Center Director, Andover, Mass.
	Srvc Ctr Dir, Brookhaven.
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Dir, Boston.
	District Dir (Hartford)
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Assistant District Director Manhattan.
	Asst District Dir, Boston.
	District Director Providence.
	District Director, Portsmouth.
	District Director, Burlington.
	Asst District Director Buffalo.
	Regional Chief Customer Service.
	Director of Support Services.
	Chief Compliance.
	Assistant District Director.
	Deputy Regional Counsel, Northeast.
	Regional Counsel, Northeast.
	Field Information Systems Officer.
	Asst District Director.
Mid-Atlantic Region	Assistant Regional Commissioner (Data Proc)
	Service Center Dir, Philadelphia.
	District Dir, Newark.
	District Director Richmond District.
	Asst District Dir, Philadelphia.
	Assistant District Director—Baltimore, Md.
	District Dir, Baltimore.
	Asst Service Center Director.
	District Director.
Southeast Region	Reg Commr.
	Service Center Director, Memphis.
	Srvc Ctr Dir, Atlanta.
	District Dir, Jacksonville.
	District Dir, Atlanta.
	District Director Greensboro.
	District Dir, Nashville.
	District Director Birmingham.
	District Dir, New Orleans.
	District Director, Columbia.
	District Director Little Rock District.
	District Director, Jackson, Miss.
	Asst District Director, Jacksonville.
	Assistant District Director, Atlanta.
	Assistant District Director, Gulf Coast.
	Dir of Support Services.
	Asst District Director.
	Assistant District Director.
	Regional Chief Customer Service.
	Field Information Systems Officer, Southeast.
	District Director.
	Assistant Service Center Director.
	Assistant District Director.
Central Region	Dir Service Ctr Cincinnati.
	District Dir (Cleveland).
	District Director Detroit.
	District Director, Indianapolis.
	District Dir, Cincinnati.
	Director of Support Services.
	Asst Director Detroit Computing Center.
	Asst District Director Denver.
	Assistant District Director.
	Assistant District Director Detroit.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Midwest Region	Srvc Ctr Dir, Kansas City.
	District Dir, Chicago.
	District Director St Louis.
	District Dir, St Paul.
	District Dir, Omaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir, Chicago.
	Assistant District Director.
	Assistant District Director.
	Dir of Support Services.
	National Director for Internal Audit Planning.
	Assistant District Director.
	District Director.
Southwest Region	Service Center Dir, Ogden.
	Service Center Director, Austin.
	District Dir, Austin.
	District Director, Dallas.
	District Director Oklahoma City.
	District Dir, Phoenix.
	District Dir, Denver.
	Assistant District Director, Dallas.
	District Director, Cheyenne.
	District Director, Salt Lake City.
	Compliance Center Director.
	Asst District Director, Austin.
	Asst Compliance Center Director.
	Field Information Systems Officer Midstates.
	Assistant Service Center Director.
	Director of Support Services.
	Assistant District Director, Houston.
	District Director, Houston.
	Regional Chief Customer Service.
	Regional Commissioner.
	Regional Director of Appeals Midstates.
	Regional Chf Compliance Ofcr, Southwest.
Western Region	District Dir, Los Angeles.
	District Dir, San Francisco.
	District Director, Portland District.
	District Dir, Seattle.
	Asst District Dir, Los Angeles.
	Asst District Dir, San Francisco.
	District Director, Honolulu.
	District Director, Anchorage.
	District Director (Sacramento).
	District Director, San Jose.
	Field Information Systems Officer, Western.
	Regional counsel, Western.
	Special Assistant to the Regional Commr.
	National Transition Executive for Appeals.
	Assistant District Director, Laguna Niguel.
	Asst District Director, San Jose.
	Regional Chief Customer Service.
	Asst District Director, Seattle.
	Chief Compliance.
	District Director, Laguna Niguel.
	Regional Commissioner, Western.
	Dir of Support Services.
	Service Center Director, Fresno.
Chief Compliance Officer	Asst Comr (Employee P & E Organizations).
	Asst Commissioner (Taxpayer Service).
	Asst Commr (Criminal Investigation).
	Dir Exempt Organizations Technical Division.
	D/Employee Plans Tech & Actuarial Division.
	Director, Statistics of Income Division.
	Dep Asst Commr (Criminal Investigation).
	Director of Investigations, Eastern Area Ops.
	Dir of Investigations.
	Dir of Investigations (Tax Refund Fraud).
	Dir of Investigations, Southern Area of Ops.
	Director, Office of National Operations.
	Dir of Investigations, Central Area of Ops.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Chief, Taxpayer Services	Asst Commissioner (Collection). Natl Director Corporate Examinations. Assistant Commissioner (International). National Director, Compliance Specialization. National Director Specialty Taxes. Chief Compliance Officer. National Difector Service Center Compliance. National Dir, Collection Field Operations. National Director Compliance Research. Deputy Asst Commissioner (International). Asst Commr (Examination & Govntl Liaison). Executive for Electronic Filing Strategy. Asst. Service Center Dir Brookhaven. National Dir, Customer Service Operations. Deputy Chief, Taxpayer Service. Natl Dir, Submission Processing Division. Executive Ofcr for Service Center Operations. National Dir, Cutomer Serv Planning & Syst. Chief Taxpayer Services. National Dir, Multimedia Production Division. Executive Officer for Customer Service. Dir, Taxpayer Services Design & Review Div.
Chief Financial Officer	Chief Financial Officer. Controller National Dir for Financial Mgmt. Deputy Assistant Commissioner (Procurement). National Director for Financial Analysis.
Chief, Management & Administration	Director, Support & Services Division. National Director for Systems & Account Stds. Asst Comr (Procurement). National Director for Budget. Special Asst to Chief Mgmt & Administration. Exec Asst to the Natl Dir Ofc of Quality. Dean School of Information Technology. Dean School of Professional Development. Dir Ofc of Media Relations. Natl Dir Real Estate Planning & Management. National Director Personnel. National Director of Education. Asst Commissioner (Support Services). Chief, Management and Administration.
Chief Information Officer	Dir Martinsburg Computing Center. Dir, IRS Data Center Detroit. Director, Systems Design Division. Director Systems Acquisition Division. Dir Input Systems Division. Director, Government Program Management Ofc. Privacy Advocate. Dir Technical Management Division. Dir Case Systems Division. Asst Dir, Government Prog Management Ofc. Director, Technical Program Management. Director, Technical Contract Support. Dep Natl Dir Applications Design & Develop. National Dir, Application Design & Dev. Dep Natl Dir, Syst Eng & Program Management. Natl Dir Network & Systems Management. Dir Telecommunications Division. Dir Operations Management Division. Projects Director, Corporate Computing. Director, Quality Assurance Division. National Dir, Syst Eng & Program Management. Dean School of Taxation. Chief Information Officer. Dir Office of System Standards & Evaluation. Deputy Chief Information Officer. Dep Chief Information Officer (Operations).
Chief, Strategic Planning & Communications	Director, Tax Forms & Publications Division. Director, Legislative Affairs Division. Natl Director, Strategic Planning Division. National Director of Quality.
Chief, Headquarters Operations	Chief Headquarters Operations.
Chief Inspector	Chief Inspector.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
	Dep Chief Inspector.
	Assistant Chief Inspector (Int Audit).
	Assistant Director Internal Audit Division.
	Asst Chief Inspector (Internal Security).
	Asst Dir, Internal Security Division.
	Regional Inspector, North Atlantic.
	Regional Inspector Western Region.
	Regional Inspector, Southwest Reg.
	Regional Inspector Southeast.
	Natl Dir for Comm Education & Quality.
Chief Counsel	Asst Chief Counsel (General Litigation).
	Asst Chief Counsel (Criminal Tax).
	Asst Chief Counsel (General Legal Services).
	Asst Chief Counsel (Disclosure Litigation).
	Assistant Chief Counsel (International).
	Assistant Chief Counsel (Corporate).
	Dep Asst Chf Coun (Income Tax & Accounting).
	Dep Asst Chf Coun (Passthroughs/Spec Indust).
	Asst Chief Counsel (Field Service).
	Asst Chf Coun (Passthroughs/Spec Industries).
	Deputy Asst Chief Counsel (Corporate).
	Dep Assoc Chief Counsel (Fin & Management).
	Dep Asst Chief Counsel (Field Service).
	Dep Asst Chief Coun (Financial Inst & Prod).
	Dep Assoc Chf Coun (Enforcement Litigation).
	Dep Assoc Chief Counsel International.
	Asst Chf Coun (Fin Institutions & Products).
	Dep Asst Chief Coun (Income Tax & Accounting).
	Dep Assoc Chief Counsel (EBEO).
	Dep Asst Chf Coun (Income Tax & Accounting).
	Asst Chief Counsel ((Income Tax & Accounting).
	Assoc Chief Counsel (Enforcement Litigation).
	Assoc Chief Counsel Emp Benefits Exempt Org.
	Special Counsel (Modernization & Strat Plnng).
	Special Litigation Counsel.
	Deputy Chief Counsel.
	Asst Chief Counsel (EBEO).
	Dep Assoc Chief Counsel (Domestic) (Technical).
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance & Management).
	Dep Asoc Chief Coun (Domestic) (Field Serv).
	Assoc Chief Counsel (Domestic).
Regional Counsels	Regional Counsel SE Region.
	District Counsel—Boston.
	District Counsel—Los Angeles.
	District Counsel—Cincinnati.
	District Counsel—Philadelphia.
	District Counsel—Newark.
	District Counsel, Chicago.
	District Counsel, Manhattan.
	District Counsel—Dallas.
	District Counsel—San Francisco.
	District Counsel.
	District Counsel.
	Regional Counsel, Midstates.
	Deputy Regional Counsel (Southeast).
	Deputy Regional Counsel, Western Region.
	District Counsel, Seattle.
	District Counsel, Baltimore.
	District Counsel, Brooklyn, New York.
	District Counsel, Atlanta.
	District Regional Counsel, Midstates.
	District Counsel, Houston, Texas.
	District Counsel, Denver.
U.S. Arms Control and Disarmament Agency:	
Intelligence, Verification & Information Mgmt Bureau	Chief, Intelligence, Technol & Analysis Div.
Ofc of Administration	Director of Administration.
Strategic and Eurasian Affairs Bureau	Chief, Strategic Neg & Implementation Div.
	Chf, Theater & Strategic Defenses Division.
	Chief, Defense Conversion Division.
Non-Proliferation and Regional Arms Control Bureau	Chief Scientist.
	Chf, International Nuclear Affairs Divisions.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1996—Continued

Agency/organization	Career reserved positions
Multilateral Affairs Bureau	Chief Intl Security & Nuclear Policy Division.
	Chf, C & B Pol Div Bur of Multilateral Affs.
	Chief Sci & Technological Division.
United States Information Agency:	
Ofc of the Director	Assistant Inspector General for Audits.
	Assistant Inspector General for Inspections.
Bureau of Management	Director, Office of Personnel.
	Director, Office of the Comptroller.
	Dir Ofc of Contracts.
	Director, Office of Technology.
Bureau of Broadcasting	Dir Engineering and Technical Operations.
	Deputy of Systems Engineering.
	Deputy for Projects Management.
	Deputy for Operations.
Office of Information Resources	Director, Ofc of Information Resources.
Ofc of the Gen Counsel	Deputy General Counsel.
U S International Trade Commission:	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir, Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Inspector General	Dep Inspector General.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst Insp Gen for Policy, Plan & Resources.
	Dep Asst Inspector General for Investigations.
	Counselor to the Inspector General.
	Asst Inspector General for Healthcare Inspect.
	Dir, Audit Planning, Fin Rev & Ops Support.
	Dep Asst Inspector General for Auditing.
	Executive Assistant for Medical Programs.
Board of Veterans Appeals	Vice Chairman.
	Deputy Vice Chairman.
Office of Financial Management	Dep Asst Secy for Financial Management.
	Assoc Dep Asst Secy for Financial Operations.
	Dir, Austin Finance Center, Austin, TX.
Office of Information Resources Management	Dir, VA Automation Ctr, Austin, TX.
	Assoc Dep Asst Secy for Telecommunications.
	Assoc Dep Asst Secy for Pol & Prog Assistance.
Office of Acquisition and Materiel Management	Dep Asst Sec for Acquisition & Materiel Mgmt.
	Assoc Dep Assistant Secy for Acquisitions.
	Assoc Dep Asst Secy for Serv & Distribution.
	Assoc Dep Asst Secy for Resources.
	Assoc Dep Asst Secy for Prog Mgmt & Oper.
	Assoc Das for VA Natl Acq Center Hines, IL.
Office of Human Resources Management	Assoc Dep Asst Secy for Human Res Management.
	Assoc Dep Asst Secy for Human Res Management.
Office of Security and Law Enforcement	Dep Asst Secy for Security & Law Enforcement.
Veterans Benefits Administration	Deputy Chief Financial Officer.
	Dep Dir Compensation & Pension Service.
	Chief Financial Officer.
Veterans Health Administration	Director, Budget Office.
	Dir, Office of Real Property Management.
	Dir VA/DOD Medical Sharing Office.
	Dir, Medical Care Cost Recovery Office.
	Dir Emergency Medical Preparedness Office.
	Deputy Director Emergency Medical Prep Ofc.
	Chief Financial Officer.
	Director, Western Area Office.
	Director, Eastern Area Office.
	Director, Facilities Quality Office.
	Dir Consulting Support Office.
	Director, Financial Management Office.
Veterans Integrated Service Network Directors	Dir Canteen Service.

[FR Doc. 97–4367 Filed 2–24–97; 8:45 am]

BILLING CODE 6325–01–M

federal register

Tuesday
February 25, 1997

Part III

Environmental Protection Agency

Thirty-Ninth Report of the Interagency Testing Committee to the Administrator; Receipt of Report, Request for Comments; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–41046; FRL–5580–9]

Thirty-Ninth Report of the TSCA Interagency Testing Committee (ITC) to the Administrator; Receipt of Report, Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The TSCA Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Thirty-Ninth Report to the Administrator of the EPA on November 27, 1996. In the Thirty-Ninth Report, which is included with this Notice, the ITC revised the TSCA section 4(e) *Priority Testing List* by recommending 2,4,6-tribromophenol, re-recommending 23 nonylphenol ethoxylates and removing 5 siloxanes. Moreover, the ITC requested that EPA stay certain provisions in the Agency's October 29, 1996, TSCA section 8(a) and 8(d) information reporting rules for the nonylphenol ethoxylates recommended in the ITC's Thirty-Eighth Report

There are no designated or recommended with intent-to-designate chemicals or chemical groups in the Thirty-Ninth Report. EPA invites interested persons to submit written comments on the Report.

DATES: Written comments on the Thirty-Ninth ITC Report should be received by March 27, 1997.

ADDRESSES: Comments on the Thirty-Ninth Report should be submitted to both the ITC and the TSCA Docket. Send one copy of written comments to: John D. Walker, ITC Executive Director (7401), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Send six copies of written comments to: Document Control Office, Rm. ET-G–099, Office of Pollution Prevention and Toxics (7407), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. All submissions should bear the docket number OPPTS–41046.

Comments may also be submitted electronically by sending electronic mail (e-mail) to: walker.johnd@epamail.epa.gov or to the EPA at: ncic@epamail.epa.gov. Electronic comments are preferred by the ITC. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of security encryption. Comments will be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All comments in electronic form must be identified by the docket number OPPTS–41046. No TSCA ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on the Thirty-Ninth Report may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IV of this document.

The public record supporting this action, including comments, is available for public inspection in the TSCA Non-Confidential Information Center (NCIC), Rm. NE-B–607 at the address noted above from 12 noon to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER 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, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: EPA has received the TSCA Interagency Testing Committee's Thirty-Ninth Report to the Administrator.

I. Background

TSCA (Pub. L. 94–469, 90 Stat. 2003 et seq; 15 U.S.C. 260l et seq.) authorizes the Administrator of the EPA to promulgate regulations under section 4(a) requiring testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the ITC to recommend chemicals and chemical groups to the Administrator of the EPA for priority testing consideration. Section 4(e) directs the ITC to revise the TSCA section 4(e) *Priority Testing List* at least every 6 months.

II. The ITC Thirty-Ninth Report

The most recent revisions to the *Priority Testing List* are included in the ITC's Thirty-Ninth Report. The Report was received by the EPA Administrator on November 27, 1996, and is included in this Notice. The Report recommends 2,4,6-tribromophenol, re-recommends 23 nonylphenol ethoxylates and removes 5 siloxanes from the *Priority Testing List*. 2,4,6-Tribromophenol is being recommended to meet the data needs of the National Institute of Environmental Health Sciences (NIEHS). The nonylphenol ethoxylates are being re-recommended to meet the data needs of the Department of the Interior (DOI), the EPA, the Food and Drug Administration (FDA) and the NIEHS and to eliminate any ambiguities in TSCA section 8(a) and 8(d) reporting resulting from the previous use of alternate Chemical Abstracts Service (CAS) registry numbers in the ITC's Thirty-Eighth Report (61 FR 39832; July 30, 1996; FRL–5379–2). The ITC re-examined these alternate CAS registry numbers and determined that five were not associated with any of the listed nonylphenol ethoxylate chemical names. In the Thirty-Ninth Report, the ITC revised the list of nonylphenol ethoxylates by providing Ninth Collective Index names for all CAS-numbered nonylphenol ethoxylates, including the five not previously associated with a unique chemical name. This process eliminated the need for alternate CAS registry numbers. The ITC requested that the EPA stay certain provisions in the October 29, 1996, TSCA section 8(a) and 8(d) rules (61 FR 55871; FRL–5397–9) promulgated for the nonylphenol ethoxylates originally recommended in the ITC's Thirty-Eighth Report (61 FR 39832; July 30, 1996; FRL–5379–2). The EPA issued the stay which was published on December 11, 1996 (61 FR 65186; FRL–5577–5). Nothing in this Notice changes the status of the stayed rules affecting the nonylphenol ethoxylates. These rules remain stayed, and the EPA will address their future status in a subsequent Federal Register Notice.

III. Status of the Priority Testing List

The current TSCA section 4(e) *Priority Testing List* contains 1 individual chemical and 11 chemical groups; of these, 4 chemical groups were designated for testing.

IV. Electronic Comments

The EPA invites interested persons to submit detailed comments on the ITC's Thirty-Ninth Report.

A record has been established for this Notice under docket number OPPTS–41046 including comments submitted electronically as described below. A public version of this record, including printed paper versions of electronic comments, which does not contain any information claimed as TSCA ''Confidential Business Information'' (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Non-Confidential Information Center, Rm. NE-B–607, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Electronic comments can be sent directly to the ITC at: walker.johnd@epamail.epa.gov and to the EPA at: ncic@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of security encryption. Comments will be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format.

The official record for the ITC's Thirty-Ninth Report, as well as the public version as described above, will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the EPA address in ''ADDRESSES'' at the beginning of this document.

Authority: 15 U.S.C. 2603.

Dated: February 13, 1997.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Administrator, U.S. Environmental Protection Agency

Summary

This is the 39th Report of the TSCA Interagency Testing Committee (ITC) to the Administrator of the U.S. Environmental Protection Agency (EPA). In this Report, the ITC is revising its TSCA section 4(e) *Priority Testing List* by recommending 2,4,6-tribromophenol, re-recommending 23 nonylphenol ethoxylates and removing 5 siloxanes. 2,4,6-Tribromophenol is being recommended to meet the data needs of the National Institute of Environmental Health Sciences (NIEHS). The nonylphenol ethoxylates are being re-recommended to meet the data needs of the Department of the Interior (DOI), the EPA, the Food and Drug Administration (FDA) and the NIEHS and to eliminate any ambiguities in TSCA section 8(a) and 8(d) reporting resulting from the previous use of alternate CAS numbers in the ITC's 38th Report (61 FR 39832, July 30, 1996). Comments on this Report should be submitted both to the ITC and the TSCA Public Docket. The revised TSCA section 4(e) *Priority Testing List* follows as Table 1.

TABLE 1.— THE TSCA SECTION 4(e) Priority Testing List (November 1996)

Report	Date	Chemical/Group	Action
26	May 1990	10 Isocyanates	Recommended with intent-to-designate
27	November 1990	62 Aldehydes	Recommended with intent-to-designate
28	May 1991	Chemicals with Low Confidence RfD Acetone Thiophenol	Designated
29	November 1991	10 Alkyl-, bromo-, chloro-, hydroxymethyl diaryl ethers	Recommended
30	May 1992	8 Siloxanes	Recommended
31	January 1993	24 Chemicals with insufficient dermal absorption rate data	Designated
32	May 1993	32 Chemicals with insufficient dermal absorption rate data	Designated
35	November 1994	24 Chemicals with insufficient dermal absorption rate data	Designated
36	May 1995	10 High Production Volume Chemicals (HPVCs)	Recommended
37	November 1995	28 Alkylphenols and Ethoxylates	Recommended
39	November 1996	23 Nonylphenol Ethoxylates	Recommended
39	November 1996	2,4,6-Tribromophenol	Recommended

I. Background

The TSCA Interagency Testing Committee (ITC) was established by section 4(e) of the Toxic Substances Control Act (TSCA) ''to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of a rule for testing under section 4(a).... At least every 6 months..., the Committee shall make such revisions in the *List* as it determines to be necessary and to transmit them to the Administrator together with the Committee's reasons for the revisions'' (Pub. L. 94–469, 90 Stat. 2003 et seq., 15 U.S.C. 2601 et seq.). Since its creation in 1976, the ITC has submitted 38 semi-annual Reports to the EPA Administrator transmitting the *Priority Testing List* and its revisions. These Reports have been published in the Federal Register and are also available from the ITC. The ITC meets monthly and produces its revisions of the *List* with the help of staff and technical contract support provided by EPA. ITC members and support personnel are listed at the end of this Report.

II. ITC's Activities During this Reporting Period (May to October, 1996)

Alkylphenols and ethoxylates. The ITC-Chemical Manufacturers Association (CMA) Alkylphenols and Ethoxylates Dialog Group met to discuss environmental monitoring, ecological effects, biodegradation and mammalian toxicology studies. This Dialog Group was established to facilitate the ITC's retrieval of information on uses, exposures and effects of alkyphenols and ethoxylates, and the CMA's understanding of data needed by the DOI, the FDA, the EPA and the NIEHS.

Siloxanes. The ITC-Silicones Environmental Health and Safety Council (SEHSC) Dialog Group met to discuss ongoing health effects and exposure studies. This Dialog Group was established to facilitate the ITC's retrieval of information on uses, exposures and effects of siloxanes, and the SEHSC's understanding of data needed by the FDA.

Isocyanates. During this reporting period, the ITC received information from the CMA's Diisocyanates Panel. The ITC's Isocyanates Subcommittee will review this information and discuss potential consumer uses, occupational exposures and health effects of isocyanates with the CMA Panel.

High Production Volume Chemicals (HPVCs). Through its 36th Report and letters to manufacturers and importers of HPVCs, the ITC is receiving use and exposure data for the 10 HPVCs remaining on the *Priority Testing List*. The ITC is reviewing these data.

Diaryl ethers. The ITC has identified manufacturers and importers of diaryl

ethers and is interested in working with them to obtain use and exposure data. Diaryl ethers were recommended in the ITC's 29th Report (56 FR 67424, December 30, 1991). An invitation to discuss use and exposure data and to develop Structure Activity Relationships for diaryl ethers was announced in the ITC's 38th Report (61 FR 39832, July 30, 1996)(FRL–5379–2).

2,4,6-Tribromophenol. Representatives of the ITC met with the CMA's Brominated Flame Retardants Industry Panel (BFRIP) Manager and representatives from a 2,4,6-tribromophenol manufacturer to discuss the data needs of the NIEHS. The ITC representatives provided the CMA with a copy of the National Toxicology Program (NTP) data summary for 2,4,6-tribromophenol (Ref. 5, NTP, 1996). The 2,4,6-tribromophenol manufacturer's representatives provided the ITC with a list of health effects, chemical fate, and ecological effects studies that were previously submitted under TSCA section 8(d) and reviewed by the ITC. These representatives also provided the ITC with a list of 2,4,6-tribromophenol producers, applications, commercial activities and sales statistics. The ITC is interested in promoting a dialog that is mutually beneficial to the NIEHS and the BFRIP.

III. TSCA Section 8 Reporting

Following receipt of the ITC's Report and the addition of chemicals to the *Priority Testing List*, EPA's Office of Pollution Prevention and Toxics adds new chemicals from the *List* to TSCA section 8(a) and 8(d) rules that require manufacturers and importers of these chemicals to submit TSCA section 8(a) production and exposure data and manufacturers, importers and processors of the listed chemicals to submit TSCA section 8(d) health and safety studies within 60 days of the rule's effective date. Unless otherwise noted in Unit IV A of this ITC Report, the ITC is requesting that the EPA exempt manufacturers and importers of chemicals added to the *List* from submitting studies conducted on mixtures (e.g., formulated products) containing a subject substance at a level below 1 percent of the mixture, unless a purpose of the study includes the investigation of the effects of an 8(d) rule-listed substance at levels below 1 percent (40 CFR 716.20(b)(4)).

TSCA section 8(a) and 8(d) submissions are indexed and maintained by EPA. The ITC reviews the TSCA section 8(a) and 8(d) information and other available data on chemicals and chemical groups (e.g., TSCA section 8(e) ''substantial risk'' notices, ''For Your Information'' (FYI) submissions to EPA, and published papers) to determine if revisions to the *List* are necessary. Revisions can include changing a general recommendation to a specific designation for testing action by the EPA Administrator within 12 months, modifying the recommended testing, or removing the chemical or chemical group from the *List*.

IV. Revisions to the TSCA Section 4(e) Priority Testing List

Revisions to the TSCA section 4(e) *Priority Testing List* are summarized in Table 2.

TABLE 2.—REVISIONS TO THE TSCA SECTION 4(e) PRIORITY TESTING LIST

CAS No.	Chemical Name	Action	Date
118–79–6	2,4,6-Tribromophenol	Recommended	11/96
	Nonylphenol ethoxylates	Recommended	11/96
7311–27–5	Ethanol, 2-[2-[2-[2-(4-nonylphenoxy) ethoxy]ethoxy]ethoxy]-		
9016–45–9	Poly(oxy-1,2-ethanediyl), .alpha.-(nonylphenyl)-.omega.-hydroxy-		
20427–84–3	Ethanol, 2-[2-(4-nonylphenoxy)ethoxy]-		
20636–48–0	3,6,9,12-Tetraoxatetradecan-1-ol, 14-(4-nonylphenoxy)-		
26027–38–3	Poly(oxy-1,2-ethanediyl), .alpha.-(4-nonylphenyl)-.omega.-hydroxy-		
26264–02–8	3,6,9,12-Tetraoxatetradecan-1-ol, 14-(nonylphenoxy)-		
26571–11–9	3,6,9,12,15,18,21,24-Octaoxahexacosan-1-ol, 26-(nonylphenoxy)-		
27176–93–8	Ethanol, 2-[2-(nonylphenoxy)ethoxy]-		
27177–01–1	3,6,9,12,15-Pentaoxaheptadecan-1-ol, 17-(nonylphenoxy)-		
27177–05–5	3,6,9,12,15,18,21-Heptaoxatricosan-1-ol, 23-(nonylphenoxy)-		
27177–08–8	3,6,9,12,15,18,21,24,27-Nonaoxanonacosan-1-ol, 29-(nonylphenoxy)-		
27986–36–3	Ethanol, 2-(nonylphenoxy)-		
37205–87–1	Poly(oxy-1,2-ethanediyl), .alpha.-(isononylphenyl)-.omega.-hydroxy-		
51938–25–1	Poly(oxy-1,2-ethanediyl), .alpha.-(2-nonylphenyl)-.omega.-hydroxy-		
65455–72–3	3,6,9,12,15,18,21,24,27-Nonaoxanonacosan-1-ol, 29-(isononylphenoxy)-		
68412–54–4	Poly(oxy-1,2-ethanediyl), .alpha.-(nonylphenyl)-.omega.-hydroxy-, branched		
98113–10–1	NP 9		
127087–87–0	Poly(oxy-1,2-ethanediyl), .alpha.-(4-nonylphenyl)-.omega.-hydroxy-, branched		
152143–22–1	Poly(oxy-1,2-ethanediyl), .alpha.-(4-nonylphenyl)-.omega.-hydroxy-, branched, phosphates		
NA[a]	Nonoxynol-2		
NA	Nonoxynol-3		
NA	Nonoxynol-7		
NA	.alpha.-(4-Nonylphenol)-.omega.-hydroxypoly-(oxyethylene)-		
	5 Siloxanes	Remove previously Recommended chemicals	11/96
69430–24–6	Cyclopolydimethylsiloxane (D_x)		
68083–14–7	Dimethyl, diphenyl siloxanes and silicones		
67762–90–7	Dimethyl silicones and siloxanes, reaction products with silica		
68037–74–1	Dimethylmonomethylpolysiloxanes		
70131–67–8	Dimethyl silicones and siloxanes hydroxy terminated		

[a]Not Assigned.

A. Chemicals Added to the Priority Testing List

Recommendations

a. *2,4,6-Tribromophenol— rationale for recommendation.* The ITC is recommending 2,4,6-tribromophenol at this time because the NIEHS needs chronic toxicology and 2-year carcinogenesis study data. As part of its continuing efforts to coordinate testing activities, the ITC is recommending and not designating 2,4,6-tribromophenol because it is currently promoting a dialog between a 2,4,6-tribromophenol manufacturer and the NIEHS to explain the need for chronic toxicity and 2–year carcinogenesis study data.

Background. Previous activities of the ITC, EPA and NTP for 2,4,6-tribromophenol are summarized below.

ITC. In the ITC's 25th Report, 2,4,6-tribromophenol and six other brominated flame retardants were recommended for chronic health effects testing, chronic ecological effects testing, and physical/chemical properties and persistence testing (54 FR 51114, December 12, 1989). In response to the 25th Report, as noted below, the EPA required the submission of TSCA section 8(a) and 8(d) data.

In the ITC's 33rd Report, 2,4,6-tribromophenol was removed from the *Priority Testing List* to give adequate priority to testing needs for other chemicals, e.g., those with U.S. Government data needs (59 FR 3764, January 26, 1994). At the time 2,4,6-tribromophenol was removed from the *List*, the ITC acknowledged that there were no existing U.S. Government data needs, but agreed to reconsider the chemical if data were needed in the future.

At this time, the ITC is requesting that the EPA not promulgate additional TSCA section 8 rules for 2,4,6-tribromophenol for the following reasons. First, the ITC has reviewed the TSCA section 8(a) and (d) data submitted under the previously-promulgated rules. Second, under the previously-promulgated TSCA section 8(d) rule, the ITC will learn of any new studies that are initiated. Third, the ITC believes that a dialog with the U.S. producer is likely to provide use and other relevant data that could not be obtained by re-promulgating these rules.

EPA. 2,4,6-Tribromophenol was included in a 1987 EPA TSCA section 4 test rule requiring that manufacturers and importers of 12 chemicals test for the presence of certain chlorinated and brominated dibenzo-p-dioxins and dibenzofurans (52 FR 21412, June 5, 1987). None of the seven 2,4,6-tribromophenol samples that were analyzed contained concentrations of brominated dibenzo-p-dioxins and dibenzofurans that were above the levels of quantitation (0.1 ppb for 2,3,7,8-tetrabrominated dibenzo-p-dioxin and 1 ppb for 2,3,7,8-tetrabrominated dibenzofuran).

2,4,6-Tribromophenol was also included in 1989 EPA TSCA section 8 rules promulgated for the ITC. These rules required the submission of production and exposure data and unpublished health and safety data under TSCA sections 8(a) and 8(d), respectively (54 FR 51131, December 12, 1989).

NTP. At the July 15, 1996 meeting of the NTP Interagency Committee for Chemical Evaluation and Coordination, the NIEHS identified data needs for 2,4,6-tribromophenol. The NIEHS needs chronic toxicology and 2–year carcinogenesis study data for 2,4,6-tribromophenol based on the absence of toxicology and carcinogenicity data and carcinogenicity data for 2,4,6-trichlorophenol, (Ref. 5, NTP, 1996).

Existing Data. 2,4,6-Tribromophenol is a chemical intermediate that is produced in closed process equipment, kept within that equipment and reacted to make flame retardants (Ref. 1, GLCC, 1996a). Recent production volumes ranged from 1 to 15 million pounds (Ref. 6, Walker, 1994).

The number of employees involved in the production, packaging, or handling of 2,4,6-tribromophenol is quite small. While the exact number of operators is confidential information, less than 50 workers have the potential for intermittent exposure to 2,4,6-tribromophenol during their normal workday (Ref.1, GLCC, 1996a). The use of closed processes limits potential exposure, but even this exposure is controlled through the use of local exhaust ventilation, personal protective equipment and other industrial hygiene practices where dust or vapor exposure might occur (Ref. 1, GLCC, 1996a). Flaked 2,4,6-tribromophenol contains particles (estimated to be 1 to 10 mm) which do not easily become airborne.

During domestic production of 2,4,6-tribromophenol, air emissions are regulated by State permits and releases to surface waters either do not occur or occur after discharge to Publicly Owned Treatment Works (Ref. 1, GLCC, 1996a). The only operation where 2,4,6-tribromophenol is not in closed reactors or piping is the flaking and packaging operation. Vapors and fine particulates from this process are controlled by a local exhaust system. Using a ''worst case'' assumption that the manufacturing facility operated 24 hour/day, 365 days per year (8,760 hours), annual point source emissions would be less than 90 pounds per year (Ref. 2, GLCC, 1996b).

2,4,6-Tribromophenol was not found to be mutagenic in the Ames assay (Ref. 8, Zeiger et al., 1987) or in the mouse lymphoma assay (Ref. 4, NCI, 1996). Doses ranging from 2,000 to 8,000 mg/kg were required to produce acute effects in laboratory animals by oral, dermal or inhalation exposures (Ref. 5, NTP, 1996).

The TSCA section 8 data for 2,4,6-tribromophenol were recently published in two reviews (Refs. 6 and 7, Walker, 1994; 1996). Data cited in the 1996 review indicated that 2,4,6-tribromophenol can be highly toxic to fish (LC_{50} values <1 mg/L) but less toxic to daphnids, in acute toxicity tests. Health effects studies cited in the 1994 review are summarized below.

In a 28–day dermal toxicity study, groups of 4 rabbits/sex/dose were used. Doses of 0, 100, 300 and 1,000 mg/kg were applied as skin suspensions 5 days a week for 4 weeks. At the highest dose (1,000 mg/kg) 1 male rabbit died. At doses of 100 and 300 mg/kg 2,4,6-tribromophenol was slightly irritating, but there were no treatment-related effects on body weight, clinical chemistry or organ weights (Ref. 6, Walker, 1994).

In a developmental toxicity screening study, groups of 5 pregnant rats were administered gavage doses of 2,4,6-tribromophenol in corn oil from gestation day 6 to 15. Doses of 0, 10, 30, 100, 300, 1,000 and 3,000 mg/kg/day were administered. All rats receiving 3,000 mg/kg/day died; animals receiving 1,000 mg/kg/day showed increased post implantation losses and a slight decrease in number of viable fetuses. Rats receiving 300 mg/kg/day or less showed no compound-related differences in maternal body weight, number of viable fetuses, resorptions, implantations or corpora lutea when compared with the controls (Ref. 6, Walker, 1994).

In an inhalation study, groups of 5 male and 5 female rats were exposed to 0, 0.1 and 0.9 mg/L 2,4,6-tribromophenol for 6 hours/day, 5 days/week for 3 weeks. Exposures to both doses of 2,4,6-tribromophenol produced liver and kidney lesions. At necropsy, 4/5 male and 5/5 female rats in the 0.1 mg/L dose group were emaciated (Ref. 6, Walker, 1994).

The NIEHS data needs are supported by carcinogenicity data for a close structural analog, 2,4,6-trichlorophenol (CAS No. 88–06–2). In a feeding study 2,4,6-trichlorophenol was a carcinogen in male rats and male and female mice, inducing lymphomas or leukemias in

male F344 rats; and increasing the incidence of hepatocellular carcinomas or adenomas in male and female B6C3F1 mice (Ref. 3, NCI, 1979).

b. *Nonylphenol ethoxylates—rationale for recommendation.* Twenty-three (23) nonylphenol ethoxylates are being re-recommended to eliminate any ambiguities in TSCA section 8(a) and 8(d) reporting resulting from the previous use of alternate CAS numbers in the ITC's 38th Report (61 FR 39832, July 30, 1996).

Background. Eighteen (18) nonylphenol ethoxylates were recommended in the ITC's 38th Report (61 FR 39832, July 30, 1996). Alternate CAS registry numbers were listed for some of these nonylphenol ethoxylates. The use of alternate CAS numbers produced some ambiguities in the TSCA section 8(a) and 8(d) rules that were promulgated for the nonylphenol ethoxylates (61 FR 55871, October 29, 1996). The ITC re-examined these alternate CAS registry numbers and determined that five were not associated with any of the listed nonylphenol ethoxylate chemical names. The ITC revised the list of nonylphenol ethoxylates by providing ninth collective index names for all CAS-numbered nonylphenol ethoxylates, including the five not previously associated with a unique chemical name. This process eliminated the need for alternate CAS registry numbers. The ITC is requesting that the EPA stay certain provisions in the October 29, 1996 TSCA section 8(a) and 8(d) rules promulgated for nonylphenol ethoxylates (61 FR 55871) because of ambiguities in reporting requirements associated with the use of alternate CAS registry numbers in the ITC's 38th Report (61 FR 39832, July 30, 1996). The ITC is requesting that the EPA promulgate the TSCA section 8(a) and 8(d) rules using the 23 nonylphenol ethoxylates in Table 2 of this ITC Report.

B. Chemicals Removed from the Priority Testing List

Silicone chemicals. Fifty-six (56) silicone chemicals were recommended for health effects testing in the ITC's 30th Report to meet the data needs of the Food and Drug Administration (FDA) (57 FR 30608, July 9, 1992). After this recommendation, the ITC's Silicones Subcommittee established a Dialog Group with the Silicones Environmental Health and Safety Council (SEHSC). The ITC-SEHSC Dialog Group has discussed unpublished toxicity data, current use and exposure data, and developed a prototype computer file of physical and chemical properties, health effects and use data that could be used by other government and trade organizations. As a result of the Dialog Group's discussions, the ITC removed 43 of the previously-recommended silicone chemicals from the *Priority Testing List* in its 37th Report (61 FR 4188, February 2, 1996; FRL–4991–6). As a result of further Dialog Group discussions, the ITC is removing five more siloxanes from the *List* in this Report (Table 3). The eight siloxanes remaining on the *List* are included in Table 4.

TABLE 3.—PREVIOUSLY-RECOMMENDED SILICONE CHEMICALS REMOVED FROM THE PRIORITY TESTING LIST

CAS No.	Chemical Name	Removal Rationale
69430–24–6	Cyclopolydimethylsiloxane (Dx)	Toxicity of cyclopolydimethylsiloxane is likely to be predicted from testing octamethylcyclotetrasiloxane (D4), decamethylcyclopentasiloxane (D5) and dodecamethylcyclohexasiloxane (D6) (see Table 4). Cyclopolydimethylsiloxane is used only as a site-limited intermediate to manufacture D4, D5 and D6.
68083–14–7	Dimethyl, diphenyl siloxanes and silicones	Low exposure potential based on annual production volume and specialized uses.
67762–90–7	Dimethyl silicones and siloxanes, reaction products with silica	Toxicity of siloxane polymers bearing CAS numbers 67762–90–7, 68037–74–1 and 70131–67–8 is likely to be predicted from testing dimethyl silicones and siloxanes bearing CAS number 63148–62–9 (see Table 4). Dimethyl silicones and siloxanes is a siloxane polymer of lower molecular weight, lower cross-linking ability and greater bioavailability potential than these 3 siloxane polymers.
68037–74–1	Dimethylmonomethylpolysiloxanes	Toxicity of siloxane polymers bearing CAS numbers 67762–90–7, 68037–74–1 and 70131–67–8 is likely to be predicted from testing dimethyl silicones and siloxanes bearing CAS number 63148–62–9 (see Table 4). Dimethyl silicones and siloxanes is a siloxane polymer of lower molecular weight, lower cross-linking ability and greater bioavailability potential than these 3 siloxane polymers.
70131–67–8	Dimethyl silicones and siloxanes hydroxy terminated	Toxicity of siloxane polymers bearing CAS numbers 67762–90–7, 68037–74–1 and 70131–67–8 is likely to be predicted from testing dimethyl silicones and siloxanes bearing CAS number 63148–62–9 (see Table 4). Dimethyl silicones and siloxanes is a siloxane polymer of lower molecular weight, lower cross-linking ability and greater bioavailability potential than these 3 siloxane polymers.

The eight siloxanes remaining on the *Priority Testing List* shown in table 4.

TABLE 4.—SILOXANES REMAINING ON THE PRIORITY TESTING LIST

CAS No.	Chemical Name
CYCLIC SILOXANES.	
556–67–2 ...	Octamethylcyclotetrasiloxane (D4)
541–02–6 ...	Decamethylcyclopentasiloxane (D5)
540–97–6 ...	Dodecamethylcyclohexasiloxane (D6)
LINEAR SILOXANES.	
107–46–0 ...	Hexamethyldisiloxane (L2)
107–51–7 ...	Octamethyltrisiloxane (L3)
141–62–8 ...	Decamethyltetrasiloxane (L4)
141–63–9 ...	Dodecamethylpentasiloxane (L5)
POLYMERS.	
63148–62–9	Dimethyl silicones and siloxanes
9006–65–9[a].	
9016–00–6[a].	

[a]Alternate CAS numbers are listed for this chemical.

References

(1) GLCC. November 13, 1996, Letter from Mr. Robert C. Campbell, TSCA Compliance Manager, Great Lakes Chemical Corporation (GLCC), West Lafayette, Indiana to Dr. John D. Walker, Executive Director, ITC, U.S. EPA, Washington, DC (1996a).

(2) GLCC. November 15, 1996, Letter from Mr. Robert C. Campbell, TSCA Compliance Manager, Great Lakes Chemical Corporation (GLCC), West Lafayette, Indiana to Dr. John D. Walker, Executive Director, ITC, U.S. EPA, Washington, DC (1996b).

(3) NCI. Bioassay of 2,4,6-trichlorophenol for possible carcinogenicity (CAS No. 88–06–2) (Technical Report Series No. 155; Department of Health Education and Welfare (DHEW) Publication No. (NIH) 79–1711). DHEW, Washington, DC. 115 pp. (1979).

(4) NCI. NCI/DCB Short-term test program. Ames *Salmonella typhimurium*/mouse lymphoma L5178Y, H. Seifried, Ph.D., Project Officer (1996).

(5) NTP. Draft NTP data summary for 2,4,6-tribromophenol (CAS No. 118–79–6). NTP, Research Triangle Park, NC. 19 pp. (1996).

(6) Walker, J.D. Testing decisions of the TSCA Interagency Testing Committee for brominated flame retardants: A review of decisions and health and safety data. pp. 185–220. In The Future of Fire Retarded Materials: Applications and Regulation. Fire Retardant Chemicals Association, Lancaster, PA. (1994).

(7) Walker, J.D. Testing decisions of the TSCA Interagency Testing Committee for chemicals on Canada's Domestic Substances List and Priority Substances List: Di-*tert*-butylphenol, ethyl benzene, brominated flame retardants, phthalate esters, chloroparaffins, chlorinated benzenes and anilines. pp. 18–54. In T.W. LaPoint, F.T. Price, and E.E. Little (eds.), *Environmental Toxicology and Risk Assessment*: Fourth Volume, ASTM STP 1241, ASTM, Philadelphia (1996).

(8) Zeiger, E., B. Anderson, S. Haworth, T. Lawlor, K. Mortelmans and W. Speck. *Salmonella* mutagenicity tests: III. Results from testing of 255 chemicals. *Environmental Molecular Mutagenicity* 9 (Suppl.9), 1–110 (1987).

TSCA Interagency Testing Committee

Statutory Organizations and Their Representatives

Council on Environmental Quality
Brad Campbell, Member
Douglas Sanders, Alternate

Department of Commerce
Edward White, Member

Environmental Protection Agency
David R. Williams, Member
Lois Dicker, Alternate

National Cancer Institute
Victor Fung, Member, Chair
Harry Seifried, Alternate

National Institute of Environmental Health Sciences
William Eastin, Member
H.B. Matthews, Alternate

National Institute for Occupational Safety and Health
Henryka Nagy, Member, Vice Chair
David A. Dankovic, Alternate

National Science Foundation
Linda Duguay, Member

Occupational Safety and Health Administration
Lyn Penniman, Member
Christine Whittaker, Alternate

Liaison Organizations and Their Representatives

Agency for Toxic Substances and Disease Registry
William Cibulas, Member

Consumer Product Safety Commission
Val Schaeffer, Member
Lakshmi C. Mishra, Alternate

Department of Agriculture
Clifford Rice, Member

Department of Defense
David A. Macys, Member

Department of the Interior
Barnett A. Rattner, Member

Food and Drug Administration
Edwin J. Matthews, Member
Raju Kammula, Alternate

National Library of Medicine
Vera Hudson, Member

National Toxicology Program
NIEHS, FDA and NIOSH Members

Counsel
Mary Ellen Levine, Office of General Counsel, EPA

Technical Support Contractor
Syracuse Research Corporation

ITC Staff
John D. Walker, Executive Director
Norma S.L. Williams, Executive Assistant, TSCA Interagency Testing Committee, U.S. EPA/OPPT (MC/7401), 401 M St., SW., Washington, DC 20460, Phone (202) 260–1825, Fax (202) 260–7895. Internet:walker.johnd@epamail.epa.gov

[FR Doc. 97–4620 Filed 2–24–97; 8:45 am]

BILLING CODE 6560–50–F

federal register

Tuesday
February 25, 1997

Part IV

Office of Personnel Management

Science and Technology Reinvention Laboratory Personnel Demonstration Project at the Naval Sea Systems Command Warfare Centers; Notice

OFFICE OF PERSONNEL MANAGEMENT

Science and Technology Reinvention Laboratory Personnel Demonstration Project at the Naval Sea Systems Command Warfare Centers

AGENCY: Office of Personnel Management.

ACTION: Notice of intent to implement demonstration project.

SUMMARY: The National Defense Authorization Act for fiscal year 1995 (Pub. L. 103-337) authorizes the Secretary of Defense, with Office of Personnel Management (OPM) approval, to conduct a Personnel Demonstration Project at Department of Defense (DoD) laboratories designated as Science and Technology Reinvention Laboratories. The legislation requires that most requirements of Section 4703 of Title 5 shall apply to the Demonstration Project. Section 4703 requires OPM to publish the proposed project plan in the Federal Register. This notice meets that requirement.

DATES: *Comment date*: Written comments will be considered if received no later than April 9, 1997. Hearing date: A public hearing will be held on the proposed project plan on: March 26, 1997, at the Indian Head Pavillion, 100 Walter Thomas Road, Indian Head, MD, from 6:00 p.m. until testimony is completed.

ADDRESSES: Comment address: Send written comments to Shirley Scott, Head, Demonstration Project Office, NSWCDD, HR Department, 17320 Dahlgren Road, Dahlgren, VA 22448.

FOR FURTHER INFORMATION CONTACT: Shirley Scott at (540) 653–4623.

SUPPLEMENTARY INFORMATION: A public hearing will be held by OPM at the Indian Head Pavillion, 100 Walter Thomas Road, Indian Head, MD 20640, during which interested persons or organizations may present their written or oral views concerning the proposed Demonstration Project plan. So that OPM may regulate the course of the hearing and provide time for all who wish to present comments, parties who want to testify at the hearing are asked to contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT:** for a specific scheduled time. Priority will be given to scheduled parties; others will be heard in the remaining available time. Each speaker's presentation will be limited to 10 minutes. In other respects, the hearing will be informal. The hearing record will be left open until April 9, 1997 to allow additional written data, views and arguments from the parties participating in the hearing.

Dated: February 21, 1997.
Office of Personnel Management.
James B. King,
Director.

Table of Contents

I. Executive Summary
II. Introduction
A. Purpose
B. Problems With Present System
C. Changes Required/Expected Benefits
D. Participating Organizations/Mission
E. Participating Employees
F. Employee/Labor Participation
III. Methodology
A. Project Design
B. Personnel System Changes
1. Classification/Pay
2. Performance Development System
3. Incentive Pay System
4. Reduction-In-Force (RIF)
5. Competitive Examining/Distinguished Scholastic Appointments
C. Project Implementation
D. Entry Into/Exit From The Project
E. Project Duration
IV. Evaluation Plan
V. Waivers of Law/Regulation
VI. Cost
VII. Project Oversight/Management

I. Executive Summary

The Naval Surface Warfare Center and the Naval Undersea Warfare Center, designated as Science and Technology Reinvention Laboratories, wish to conduct a Personnel Demonstration Project similar in nature to that of the 1980 Demonstration Project approved for the Naval Weapons Center, China Lake, and Naval Ocean Systems Center, San Diego. The Warfare Centers' project includes the following key project components: A Broad Banding Classification and Pay System for ''white collar'' employees; a Performance Development System; an Incentive Pay System; a new Reduction-in-Force (RIF) system; and a Competitive Examining and Appointment System. The Warfare Centers' project addresses an organization which is substantially larger (over 23,000 employees), has greater diversity of mission than previous projects, and has extensive union involvement at all major sites. In addition, the project plan has been developed with on-going involvement of the various unions represented in the Warfare Centers.

II. Introduction

A. Purpose

The overall goal of the Demonstration Project is to implement a Human Resource Management System that facilitates mission execution and organization excellence and responds to today's dynamic environment of downsizing, restructuring and closures by obtaining, developing, utilizing, incentivizing and retaining high performing employees; and adjusting workforce levels to meet program and organizational needs. The system to be demonstrated has the flexibilities to accommodate and support wide-ranging activity missions, strategies and cultures. It is responsive to business considerations and permits a high degree of control over workforce costs. Clearly, it is more streamlined and understandable for those who will use it as well as those affected by it. Most importantly, it is focused not just on the needs of the organization, but also on the needs of the people who are the organization.

These objectives reflect the Federal and DoD goals of creating a government that works better and costs less, and a flexible system that can reduce, restructure or renew to meet diverse mission needs, expand or contract a workforce quickly, respond to workload exigencies, and contribute to quality products, people and workplaces. The objectives also align with the Federal and DoD values and guiding principles of empowering employees to get results, maximum flexibility tempered with accountability, innovation and continuous improvement, caring for people during downsizing, and vital partnerships and teaming with all the stakeholders in the process.

B. Problems with Present System

The Warfare Centers find the current Federal Personnel System to be cumbersome, confusing, and unable to provide the flexibility necessary to respond to the current mandates of downsizing, restructuring, and possible closure while trying to maintain a high level of mission excellence. The present system—a patchwork of laws, regulations, and policies—often inhibits rather than supports the goals of developing, recognizing, and retaining the employees needed to realign the organization with its changing fiscal and production requirements.

The current Civil Service General Schedule (GS) system has 15 grades with 10 levels each and involves lengthy, narrative, individual position descriptions, which have to be classified by complex, OPM-mandated position classification standards. Because these standards have to meet the needs of the entire federal government, they are often not relevant to the needs of the Warfare Centers and are frequently obsolete. Distinctions between levels are often not meaningful. Currently, standards do not provide for a clear progression beyond

the full performance level, especially for science/engineering occupations where career progression through technical as well as managerial career paths is important.

In addition, there are limited mechanisms for dealing with an employee who has been promoted out of his/her level of expertise or who, after a successful career, has been unable to gain the skills required of a new work environment. In most cases, the only possible action may be a reduction in grade. Under the current system a demotion to a lower grade is considered an adverse action even if there is no loss in pay. Under the proposal, a reduction in band level without a loss in pay will not be considered an adverse action.

Performance Management systems require additional emphasis on continuous, career-long development in a work environment characterized by an ever increasing rate of change. Since past performance and/or longevity are the factors on which pay raises are currently assessed, there is often no positive correlation between compensation and performance contributions nor value to the organization. These limited criteria do not take into account the future needs of the organization nor other culturally relevant criteria which an organization may wish to use as incentives.

The present Reduction in Force (RIF) process is highly complicated and relatively unresponsive to requirements for rapid work force restructuring and retention of employees with mission appropriate skills. RIF is confused by an augmented service credit for performance that is based in a performance appraisal system fraught with contention. Round I adds complexity, confusion, and uncertainty. Cost savings expected from RIF are drastically reduced by the inordinate administrative costs of the process and the likelihood that the employee ultimately separated will be at a lower grade than the originally targeted position. Additionally there is the expense of retained grade and retained pay. Current RIF procedures impact negatively on morale because of the high number of people affected and frequent misunderstandings of a complicated system that leaves affected employees wondering why they have been ''targeted''.

And finally, the complexity of the current examining system creates delays in hiring. Line managers find the complexity limiting as they attempt to accomplish timely recruitment of needed skills. To compete with the private sector for the best talent available, they need a process which is streamlined, easy to administer, and allows for timely job offers.

C. Changes Required and Expected Benefits

The proposed Demonstration Project responds to problems in the classification system with a Broad Banding Classification system for GS employees; to problems in the current performance management system with a Performance Development and Incentive Pay Systems; to the problems of the existing RIF procedures with a streamlined RIF system; and to problems of complicated hiring and examining procedures with a simplified examining and appointment process.

D. Participating Organizations and Mission

Both the Naval Surface Warfare Center and the Naval Undersea Warfare Center will participate in the project. The Warfare Centers are comprised of a total of seven Divisions with 14 major sites nationwide. The sites are diverse in employment profiles and size and have bargaining unit populations ranging from a small percentage to more than half of the workforce. These organizations operate throughout the full spectrum of research, development, test and evaluation, engineering and fleet support.

The Warfare Centers are Defense Business Operations Fund (DBOF) activities. Under DBOF, the cost of operating is paid by billing customers for work performed. The Warfare Centers seek to maximize management flexibility to control expenditures since the continued economic viability of a DBOF activity depends in large measure on remaining cost competitive with other organizations.

E. Participating Employees

This Demonstration Project will involve civilian personnel at all Warfare Center sites. There are 14 major sites (over 200 civilian personnel) and many smaller sites. Currently 23,697 civilians are employed as shown in Figure 1. The intent of the plan is to cover all civilian appropriated fund employees at all sites with the exception of the members of the Senior Executive Service. While the Demonstration Project, and its five components, cover all General Schedule (GS) employees, the Federal Wage System (FWS) employees are included only for purposes of changes in the Performance Development, Reduction-In-Force and Competitive Examining systems. Likewise, Senior Level (SL) and Scientific and Technical (ST) employees are covered only under the Incentive Pay, Performance Development and Reduction-In-Force systems. The Demonstration Project may be implemented incrementally throughout the Warfare Centers. The Demonstration Project will be implemented in bargaining units when those units so request and a negotiated agreement is reached. Approximately fifty percent of the workforce is represented by unions.

BILLING CODE 6325–01–P

Naval Surface Warfare Center (NSWC)							
DIVISIONS	P	A	T	C	W	O	Total
Dahlgren	2,617	558	583	288	334	160	4,540
Indian Head	802	365	382	122	380	90	2,141
Crane	1207	768	1,395	167	1,146	136	4,819
Pt. Hueneme	925	753	399	192	21	32	2,322
Carderock	2,324	453	653	216	345	136	4,127
NSWC Total	**7,875**	**2,897**	**3,412**	**985**	**2,226**	**554**	**17,949**
Naval Undersea Warfare Center (NUWC)							
Newport	2,308	416	404	259	125	11	3,523
Keyport	711	425	279	70	706	34	2,225
NUWC Total	**3,019**	**841**	**683**	**329**	**831**	**45**	**5,748**
Warfare Centers Total							**23,697**

key: P = Professional A= Administrative T=Technical C=Clerical W=Wage O=Other
data a/o 4/8/96

FIGURE 1

BILLING CODE 6325–01–C

F. Employee/Labor Participation

One of the keys to developing a project plan sensitive to the multiplicity of management and employee needs has been the involvement of a Steering Committee composed of representatives from the Warfare Center Divisions and six national unions having bargaining units at the Warfare Center sites. The American Federation of Government Employees (AFGE), Metal Trades Council (MTC), International Association of Machinists (IAM), National Association of Government Employees (NAGE), the National Federation of Federal Employees (NFFE) and Fraternal Order of Police (FOP) represent more than half of the more than 25,000 employees in a variety of occupational groups at Warfare Center sites across the United States. Appendix A further describes the employee/union participation in this effort. The Steering Committee developed a project plan capable of meeting the seemingly differing, sometimes conflicting, goals of management and the unions. The Steering Committee substantially altered the original concept to address those needs in order to provide a viable implementation framework capable of meeting the wide variety of cultures and needs across the Warfare Center spectrum. The Steering Committee is also working to foster the establishment of partnerships within the Warfare Centers.

The Steering Committee agreed to the following language with respect to the implementation of the Demonstration Project in the Warfare Center bargaining units. ''Essential to the success of the Demonstration Project within a collective bargaining unit is the explicit choice of the parties to freely enter into the project with mutual agreement on all provisions associated with the project. To that end, either party will have the option NOT to enter the project up to the point where both parties sign a collective bargaining agreement covering the Demonstration Project and, if required, that agreement is ratified and approved. Further the parties may include in the contract provisions for evaluating, modifying and leaving the project during the life of the contract.'' Any disputes or impasses that arise in connection with the negotiation on the implementation of the Demonstration Project will be subject to mediation but not binding impasse procedures. For any bargaining subsequent to adoption of the Demonstration Project, the parties shall use impasse procedures defined in 5 U.S.C. 7119 unless alternative impasse procedures have been negotiated. In the event Executive Order 12871 is no longer in effect, the parties within the Demonstration Project will continue to negotiate issues covered by 5 U.S.C. 7106(b)(1) to the extent those issues impact on the provisions of the Demonstration Project. Within bargaining units, violations of provisions of the Demonstration Project may be covered by the negotiated grievance procedure.

This Demonstration Project was developed with management and union input through a collaborative process; however, it was agreed that union participation did not necessarily constitute full and complete endorsement of all details of the project. The Project will be implemented in bargaining units only after there is full agreement through the collective bargaining process.

While understanding that each bargaining unit will make its own choice about participating in the Demonstration Project, the Steering Committee has endeavored to create a project plan to fulfill the mutual interests of management and employees while supporting the long term objective of vital, competitive Warfare Centers capable of developing and delivering the best possible technology to their customers.

III. Methodology

A. Project Design

An overarching objective in the project design has been the development of a personnel system that provides a maximum opportunity for local ''tailoring'' to meet the variety of requirements of organizations engaged in missions ranging from theoretical research into submarine vulnerability and survivability to the storage of torpedoes. While the Divisions seek to recruit and retain world class engineers and scientists in order to remain viable as laboratories, they must also meet the development and motivational needs of an extraordinarily diverse workforce; i.e., employees ranging from small arms repairers in Crane, Indiana to program analysts in Newport, Rhode Island. In order to accomplish that end, the goal is to begin the process of delegating decision making to the people who know the most about what they need and how to get their work accomplished: the Divisions and sites.

While much of the Demonstration Project will be applied uniformly, there are decisions which will be delegated to the Divisions and activities so that the needs and cultures of those organizations may be taken into account. Decisions at the local level will be made through the collective bargaining process.

B. Personnel System Changes

1. Classification and Pay

A fundamental element of the system is a simplified white collar classification and pay component. The proposed broad banding scheme reduces the fifteen GS grade levels and the Senior Level (SL) and Scientific & Technical (ST) pay levels, into five to six broad pay bands. (See Figure 2) GS occupations are further broken down into three separate career paths: Scientific and Engineering (ND), Administrative and Technical (NT), and General Support (NG).

The OPM-developed classification standards are replaced by a small number of one-page, generic benchmark standards developed within the Demonstration Project. These standards also serve as the core of the position description and replace lengthy individually tailored position descriptions. These generic level descriptors encompass multiple series and provide maximum flexibility for the organization to assign individuals consistent with the needs of the organization, established level or rank that the individual has achieved, and the individual's qualifications. Career progression between levels will occur by promotion, and pay progression within levels will occur through incentive pay. Warfare Centers' long experience with industrial funding will ensure their ability to control costs, an essential requirement in today's environment.

BILLING CODE 6325–01–P

CAREER PATHS & BROAD BANDS

Career Paths:							
Scientific/ Engineering	GS	1-4	5-8	9-11	12-13	14-15	ST/SL
	ND	I	II	III	IV	V	VI
Administrative/ Technical	GS	1-4	5-8	9-10	11-12	13-14	14-15
	NT	I	II	III	IV	V	VI
General Support	GS	1-4	5-6	7-8	9-10	11-12	
	NG	I	II	III	IV	V	

Figure 2

BILLING CODE 6325–01–C

a. *Career Paths.* The Warfare Centers request exemption from the current GS classification system and substitute career paths and band levels. The designated career paths are: Scientific and Engineering (ND), Administrative and Technical (NT), and General Support (NG). Like the China Lake system, the GS classification series would be retained. More detailed descriptions of the career paths and the classification series for each path are provided below. The breakdown of occupational series to career paths reflects only those occupations which currently exist within the two Warfare Centers.

Additional series may be added as a result of changes in mission requirements or OPM recognized occupations. These additional series will be placed in the appropriate career path consistent with the established career path definitions.

Scientific and Engineering: Professional engineering positions and scientific positions in the physical, biological, mathematical, and computer sciences; and student positions for training in these disciplines. Series and titles included in the path are: 0401, General Biological Science Series; 0403, Microbiology Series; 0408, Ecology Series; 0440, Genetics Series; 0460, Forestry Series; 0471, Agronomy Series; 0499, Biological Science Student Trainee Series; 0801, General Engineering Series; 0803, Safety Engineering Series; 0804, Fire Protection Engineering Series; 0806, Materials Engineering Series; 0807, Landscape Architecture Series; 0808, Architecture Series; 0810, Civil Engineering Series; 0819, Environmental Engineering Series; 0830, Mechanical Engineering Series; 0840, Nuclear Engineering Series; 0850, Electrical Engineering Series; 0854, Computer Engineering Series; 0855, Electronics Engineering Series; 0861, Aerospace Engineering Series; 0871, Naval Architecture Series; 0892, Ceramic Engineering Series; 0893, Chemical Engineering Series; 0894, Welding Engineering Series; 0896,

Industrial Engineering Series; 0899, Engineering and Architecture Student Trainee Series; 1301, General Physical Science Series; 1306, Health Physics Series; 1310, Physics Series; 1313, Geophysics Series; 1320, Chemistry Series; 1321, Metallurgy Series; 1330, Astronomy and Space Science Series; 1350, Geology Series; 1360, Oceanography Series; 1372, Geodesy Series; 1386, Photographic Technology Series; 1399, Physical Science Student Trainee Series; 1515, Operations Research Series; 1520, Mathematics Series; 1529, Mathematical Statistician Series; 1530, Statistician Series; 1550, Computer Science Series; 1599, Mathematics and Statistics Student Trainee Series.

Administrative and Technical: Professional or specialist positions in such administrative, technical and managerial fields as finance, procurement, human resources, computer, legal, librarianship, public information, safety, social sciences, and program management and analysis; nonprofessional technician positions that support scientific and engineering activities through the application of various skills and techniques in electrical, mechanical, physical science, biology, mathematics, and computer fields; and student positions for training in these disciplines. Series and titles included in this path are: 0018, Safety and Occupational Health Management Series; 0020, Community Planning Series; 0028, Environmental Protection Specialist Series; 0080, Security Administration Series; 0099, General Student Trainee Series; 0101, Social Science Series; 0110, Economist Series; 0132, Intelligence Series; 0170, History Series; 0180, Psychology Series; 0185, Social Work Series; 0187, Social Services Series; 0188, Recreation Specialist Series; 0201, Personnel Management Series; 0205, Military Personnel Management Series; 0212, Personnel Staffing Series; 0221, Position Classification Series; 0230, Employee Relations Series; 0233, Labor Relations Series; 0235, Employee Development Series ; 0260, Equal Employment Opportunity Series; 0299, Personnel Management Student Trainee Series; 0301, Miscellaneous Administration and Program Series; 0334, Computer Specialist Series; 0340, Program Management Series; 0341, Administrative Officer Series; 0342, Support Services Administration Series; 0343, Management and Program Analysis Series; 0346, Logistics Management Series; 0391, Telecommunications Series; 0399, Administration and Office Support Student Trainee Series; 0501, Financial Administration and Program Series; 0505, Financial Management Series; 0510, Accounting Series; 0560, Budget Analysis Series; 0599, Financial Management Student Trainee Series; 0602, Medical Officer Series; 0610, Nurse Series; 0690, Industrial Hygiene Series; 0802, Engineering Technician Series; 0809, Construction Control Series; 0818, Engineering Drafting Series; 0856, Electronics Technician Series; 0895, Industrial Engineering Technician Series; 0899, Engineering and Architecture Student Trainee Series; 0905, General Attorney Series; 0950, Paralegal Specialist Series; 0962, Contact Representative; 1001, General Arts and Information Series; 1010, Exhibits Specialist Series; 1015, Museum Curator Series; 1016, Museum Specialist and Technician Series; 1020, Illustrating Series; 1035, Public Affairs Series; 1060, Photography Series; 1071, Audiovisual Production Series; 1082, Writing and Editing Series; 1083, Technical Writing and Editing Series; 1084, Visual Information Series; 1101, General Business and Industry Series; 1102, Contracting Series; 1103, Industrial Property Management Series; 1104, Property Disposal Series; 1150, Industrial Specialist Series; 1152, Production Control Series; 1173, Housing Management Series; 1176, Building Management Series; 1199, Business and Industry Student Trainee Series; 1222, Patent Attorney Series; 1311, Physical Science Technician Series; 1410, Librarian Series; 1412, Technical Information Services Series; 1420, Archivist Series; 1521, Mathematics Technician Series; 1601, General Facilities and Equipment Series; 1640, Facility Management Series; 1654, Printing Management Series; 1670, Equipment Specialist Series; 1701, General Education and Training Series; 1710, Educational and Vocational Training Series; 1712, Training Instruction Series; 1810, General Investigating Series; 1811, Criminal Investigating Series; 1910, Quality Assurance Series; 2001, General Supply Series; 2003, Supply Program Management Series; 2010, Inventory Management Series; 2030, Distribution Facilities and Storage Management Series; 2032, Packaging Series; 2050, Supply Cataloging Series; 2101, Transportation Specialist Series; 2130, Traffic Management Series; 2150, Transportation Operations Series; 2181, Aircraft Operations Series.

General Support: Assistant and clerical positions providing support in such fields as budget, finance, supply, human resources; positions providing support through application of typing, clerical, or secretarial knowledge and skills; positions providing specialized facilities support such as guards, police officers and firefighters; and student positions for training in these disciplines. This path includes the following series and titles: 0019, Safety Technician Series; 0029, Environmental Protection Assistant Series; 0081, Fire Protection and Prevention Series; 0083, Police Series; 0085, Security Guard Series; 0086, Security Clerical and Assistance Series; 0134, Intelligence Aid and Clerk Series; 0186, Social Services Aid and Assistant Series; 0189, Recreation Aid and Assistant Series; 0203, Personnel Clerical and Assistance Series; 0204, Military Personnel Clerical and Technician Series; 0303, Miscellaneous Clerk and Assistant Series; 0304, Information Receptionist Series; 0305, Mail and File Series; 0318, Secretary Series; 0322, Clerk-Typist Series; 0326, Office Automation Clerical and Assistance Series; 0332, Computer Operation Series; 0335, Computer Clerk and Assistant Series; 0344, Management Clerical and Assistance Series; 0350, Equipment Operator Series; 0351, Printing Clerical Series; 0356, Data Transcriber Series; 0361, Equal Opportunity Assistance Series; 0382, Telephone Operating Series; 0390, Telecommunications Processing Series; 0392, General Communications Series; 0394, Communications Clerical Series; 0399, Administration and Office Support Student Trainee Series; 0462, Forestry Technician Series; 0503, Financial Clerical and Assistance Series; 0525, Accounting Technician Series; 0530, Cash Processing Series; 0540, Voucher Examining Series; 0544, Civilian Pay Series; 0561, Budget Clerical and Assistance Series; 0640, Health Technician; 0647, Diagnostic Radiologic Technologist Series; 0679, Medical Clerk Series; 0698, Environmental Health Technician Series; 0945, Clerk of Court Series; 0986, Legal Clerical and Assistance Series; 1087, Editorial Assistance Series; 1105, Purchasing Series; 1106, Procurement Clerical and Technician Series; 1107, Property Disposal Clerical and Technician Series; 1411, Library Technician Series; 1531, Statistical Assistant; 1702, Education and Training Technician Series; 2005, Supply Clerical and Technician Series; 2091 Sales Store Clerical Series; 2102, Transportation Clerk and Assistant Series; 2131, Freight Rate Series; 2135, Transportation Loss and Damage Claims Examining Series; 2151, Dispatching Series.

b. Broad Bands and Levels of Responsibility. A fundamental purpose of broad banding is to make the distinctions between levels easier to discern and more meaningful. In that regard, the 15 GS grade levels are reduced to no more than six band levels, each representing a defined level of work. Within each career path, bands typically include the following categories of positions: student trainee and/or entry level, developmental, full performance level, and expert and/or supervisor/manager.

With fewer band levels than GS grades, the level of responsibility reflected in each band typically encompasses the responsibilities of two or more GS grade levels. For example, the responsibilities of a band level covering work at the full performance level may represent a synthesis of GS–11 and GS–12 responsibilities. For the NT career path, the responsibilities associated with the top two bands do not precisely align with equivalent GS levels. Some GS–14 level responsibilities band best with GS–13 while others band best with GS–15.

Although band VI of the ND career path covers SL and ST positions, this does not represent a requested change in the basis for classification or allocation of billets for these positions. The authority to allocate new billets, classify positions and set initial pay for assignment to SL and ST positions within the Warfare Centers will be retained at the Assistant Secretary of the Navy (Manpower and Reserve Affairs) level. The intent of including these positions in the SE career path was two fold: (1) to emphasize the dual career progression for scientists and engineers in nonsupervisory and nonmanagerial career paths; and (2) to include SL and ST employees in all other aspects of the Demonstration Project, i.e., performance development, incentive pay and reduction-in-force systems. Consistent with our goal of developing, recognizing, and retaining employees needed to meet our changing organizational needs, the Demonstration Project seeks the authority to manage its SL and ST workforce under the same performance development and incentive system as other employees. This includes the authority at the Division level to adjust the pay of SL and ST employees up to Level IV of the Executive Schedule. Incentive pay decisions will be made against criteria relevant to the needs of the organization including the criticality and difficulty of the position, critical skills, and current salary level of the employees.

c. Simplified Classification Process. A limited number of Warfare Center one-page generic, level descriptor that also serve as the core of preclassified position descriptions will be created within the Demonstration Project. Those descriptions may be further tailored with an addendum to provide information on Fair Labor Standards Act (FLSA) coverage, selective placement factors, specialized knowledge/skills/abilities, etc. Within the Demonstration Project, the term ''classification of a position'' for positions covered by broad banding is defined as the placement of a position in its appropriate career path, occupational series, and band level based on the application of standards (referred to as level descriptors or benchmark standards) established at the Warfare Center level. Line managers will be meaningfully involved in the classification process to make it more relevant to their organization's needs.

d. Simplified Assignment Process. Today's environment of downsizing and workforce transition mandates that the organization has maximum flexibility to assign individuals. Broad banding can be used to address these needs. As a result of the assignment to a particular level descriptor, the organization will have maximum flexibility to assign an employee within broad descriptions consistent with the needs of the organization, and the individual's qualifications and rank or level. Subsequent assignments to projects, tasks, or functions anywhere within the organization requiring the same level and area of expertise, and qualifications would not constitute an assignment outside the scope or coverage of the current level descriptor. Such assignments within the coverage of the generic descriptors are accomplished as realignments and do not constitute a position change. For instance, a technical expert can be assigned to any project, task, or function requiring similar technical expertise. Likewise, a manager could be assigned to manage any similar function or organization consistent with that individual's qualifications. This flexibility allows a broader latitude in assignments and further streamlines the administrative process and system.

e. Broad Bands and Salary Ranges. The basis for the Demonstration Project pay system is each band level having a basic salary range that exactly corresponds to salaries of three or more GS grade levels. This continued linkage with the GS system will result in adjustments to the salary ranges through future general and locality pay increases under the General Schedule System. To more closely replicate the salary overlap found in the current GS system, there is a one grade extended salary overlap with each lower band for bands II and above. (See Figure 3) The one exception is the band for ST and SL positions (ND VI). Consistent with law, the pay range for these positions will continue to be 120% of GS 15/1 salary up to Executive Level IV. The purpose of the salary overlap is twofold. First, it is to provide pay setting flexibilities and cost containment opportunities in promotions. This reduces the instances of non discretionary promotion pay increases of greater than 6% that may otherwise be required to advance pay to the lower end of the next higher band level. The second purpose is to facilitate an assignment back to the next lower level without loss in pay when appropriate.

BILLING CODE 6325–01–P

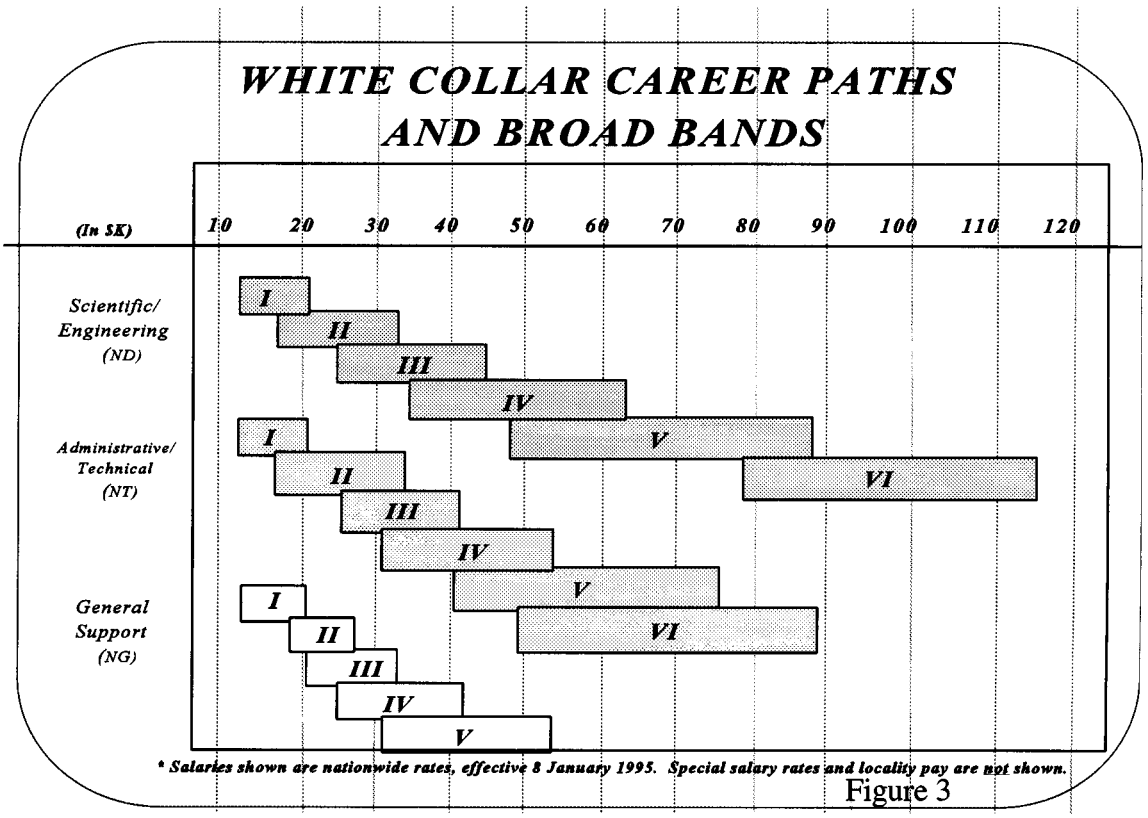

Figure 3

BILLING CODE 6325–01–C

f. Locality Pay and Special Salary Rates. For each band level, the basic annual rate of pay will be adjusted to reflect the appropriate locality pay percentage. The maximum salary with locality pay will be referred to as ''locality pay point''. When the special salary rates authorized under the GS system exceed the locality pay point, the top of the applicable band will be extended to the maximum special salary rate authorized for that series and geographic location. Placement within this special rate extension will be restricted to employees in a series covered by that special rate. An employee will be considered a special rate employee only if his/her basic pay falls within the extension, i.e., the basic pay exceeds the locality pay point. Consistent with the intent of locality pay, special salary rate employees, as defined above, will not be eligible for locality pay adjustments. When the locality pay point overtakes the employee's rate of basic pay through general or locality pay increases, the employee will no longer be considered a special salary rate employee. In this instance, the employee's total adjusted basic pay will be increased to the new locality pay point. The employee's new adjusted salary will then be reallocated into a new basic pay and a locality pay adjustment rate. Pay retention provisions and adverse action procedures will not apply to the reallocation of the employee's salary as the employee's total adjusted salary will remain the same.

g. Pay Administration. The following definitions and policies will apply to the movement of employees within the Demonstration Project from one career path or band level to another, or placement in a Demonstration Project Career Path from the GS, FWS, or other personnel systems:

Advanced In-Hire Rate: Upon initial appointment, the individual's pay may be set anywhere within the band level consistent with the special qualifications of the individual and the unique requirements of the position. These special qualifications may be in the form of education, training, experience, or any combination thereof that is pertinent to the position in which the employee is being placed.

Geographic Movement Within the Demonstration Project: An employee covered by broad banding who moves to a new duty station in a different geographic area and continues to be an employee covered by the Warfare Center Demonstration Project will have his/her pay in the new area computed as explained below. In all cases, the geographic movement is processed before any other simultaneous pay action (e.g., promotion, reassignment, downgrade, change in series, etc.) effective on the same day.

1. *Regular Range Employees.* An employee paid at a rate below the locality pay point for his or her band level will receive no change in his or her rate of basic pay upon geographic movement. The employee's locality pay adjustment will be recomputed using the newly applicable locality pay percentage, which may result in a higher or lower locality pay adjustment and, thus, a higher or lower adjusted rate (locality rate or special rate, as applicable). Exception: For employees who would be eligible for a special rate under the GS system and who are in the regular range of a band with a special rate extension, the new adjusted salary following a geographic move may not be less than the old adjusted salary multiplied by the factor derived by dividing the new adjusted band maximum by the old adjusted band maximum.

2. *Special Rate Extension Employees.* For an employee being paid at a rate in a special rate extension, the new adjusted salary following a geographic

move is equal to the old adjusted salary multiplied by the factor derived by dividing the new adjusted band maximum by the old adjusted band maximum; however, the new adjusted rate may not be less than the applicable locality pay point in the new area.

3. *Pay Protection Provision.* A special pay protection provision applies to employees who (a) were entitled to a special rate immediately before conversion into the demonstration project, (b) continue to meet the GS special rate eligibility conditions, and (c) are paid at a rate that equals or exceeds the dollar amount of the pre-conversion special rate. For these employees, the new adjusted rate following a geographic move may not be less than the dollar amount of the employee's pre-conversion special rate. Adverse action and pay retention provisions of Title 5, United States Code, will not apply to any reduction in basic pay due solely to the operation of the above rules.

Promotion: Within the Demonstration Project Broad Banding system a promotion will be defined as the movement of an employee from a lower to a higher band level in the same career path, or from one career path to another wherein the band in the new career path has a higher maximum salary than the band from which the employee is moving.

After the implementation of the Demonstration Project, for an employee moving from the GS, a promotion will be defined as placement in a band level which incorporates a GS grade level which is higher than the employee's current grade.

For an employee moving from the FWS, a promotion will be defined as placement in the Demonstration Project in a band level where the representative rate of the highest GS grade covered (i.e. step 04 of the highest GS grade) is higher than the representative rate of the employee's current FWS grade (i.e. step 02).

Promotions will follow basic federal merit promotion policy that provides for competitive and non-competitive promotions. Upon promotion, an employee will normally receive an increase of six percent unless a higher increase is necessary to raise the employee's salary to the minimum salary of the new band. The employee's total adjusted pay (basic pay and locality pay; if any) will be used in determining the amount of the promotion increase and in setting the employee's adjusted pay in the higher band. Decisions not to increase pay or for increases of other than six percent or to the minimum level of the band must be approved at the Division level, unless otherwise delegated to lower levels. In no situation may an employee's salary upon promotion be established lower than the minimum salary range of the new band.

Factors to be used to help determine the amount of the increase may include, but are not limited to, the employee's directly related experience which may be of immediate use in the new position; the employee's current pay; and the relationship to salaries of other similarly qualified employees.

Reassignment: For movement within the Demonstration Project Broad Banding system, a reassignment will be movement to a position covered by the same band level, or from one career path to another when the salary range of the new band level and the employee's current band level remains the same.

For an employee moving from the GS, a reassignment will be defined as placement in the Demonstration Project in a band level where the highest GS grade covered is the same as the employee's current GS grade.

For an employee moving from the FWS, a reassignment will be defined as placement in the Demonstration Project in a band level where the representative rate of the highest GS grade covered (i.e., step 04 of the highest GS grade included in that broad band) is the same as the representative rate of the employee's current FWS grade.

Demotion or change to lower band level: For movement within the Demonstration Project Broad Banding system, a demotion will be defined as the movement of an employee from a higher band to a lower band within the same career path, or from one career path to another where the band in the new career path has a lower maximum salary than the band from which the employee is moving.

For an employee moving from the GS, a demotion will be defined as placement in the Demonstration Project in a band level where the highest GS grade covered is lower than the employee's current GS grade.

For employees moving from the FWS, a demotion will be defined as placement in the Demonstration Project in a band level where the representative rate of the highest GS grade covered (i.e. step 04 of the highest grade included in that pay band) is lower than the representative rate of the employee's current FWS grade.

Salary adjustment: A salary adjustment is defined as an increase in an employee's base pay (by other than the incentive pay process) within the employee's current band level to an amount which does not exceed the top of the band. The salary adjustment may be used to adjust the pay of individuals who have acquired a level of education that would otherwise make the employee qualified for an appointment at a higher level and would be used in lieu of a new appointment. For example, this authority may be used to adjust the pay of graduate level Cooperative Education (COOP) students or employees who have obtained an advanced degree, e.g., Ph.D.

Other: Current provisions for Highest Previous Rate, Pay Retention (except as otherwise noted), Special Recruitment and Relocation Bonuses, Retention Allowances and Accelerated Promotions will continue. The use of OPM's Operating Manual for ''Qualification Standards For General Schedule Positions'' will continue with minor modifications; ''Band'' will be substituted for ''Grade'' where appropriate and the time in grade requirement will be eliminated.

2. Performance Development System

The philosophical base of this Demonstration Project is that employees are valued and trusted and are the organization's most critical assets. Accordingly, the primary objectives of the Demonstration Project are to: Develop employees to meet the changing needs of the organization; to help employees achieve their career goals; to improve performance in current positions; to retain high performers, and to improve communication with customers, colleagues, managers and employees. The system focuses on continuous performance improvement and minimizes administrative requirements. On-going dialogue between the employee and supervisor is fundamental to this development focus, and Performance Development Resources are provided as part of the system to facilitate this dialogue and assist with diagnosis of performance issues. The emphasis on continued improvement is carried over into the process for addressing performance problems. The proposed system substitutes an early intervention which focuses immediately on a formal performance plan designed to support the employee's success. A determination of unacceptable performance is made only if the employee does not meet the requirements for acceptable performance detailed in that plan. The following paragraphs describe the key components of the Performance Development System. Figure 4 depicts the relationship of these components

and their linkage with the Incentive Pay system.

BILLING CODE 6325–01–P

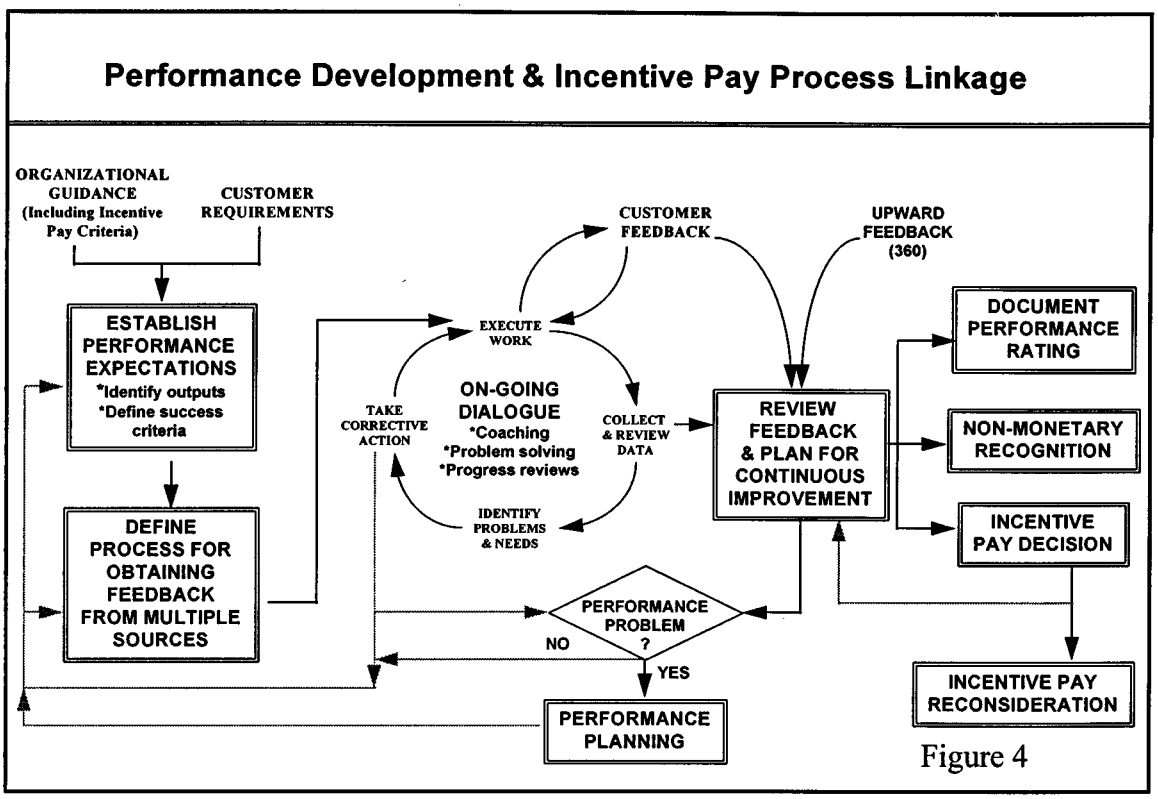

Figure 4

BILLING CODE 6325–01–C

a. Performance Development Resources. At the heart of the performance development system is the concept of providing organizational resources to support the development process. While the design of these resources will be delegated to each Division, they will typically consist of a pool of people, including union representatives, who act as a support system to identify or help provide for the needs of employees and managers in the development process. Current limitations regarding union involvement in discussions concerning assigning and directing employees will not prevent the parties within the Demonstration Project from developing appropriate procedures for the Performance Development Resources.

The Resources will be available to facilitate communications around expectations and needs, and help supervisors and employees seek agreement throughout all aspects of the performance development process. Should performance problems arise, these resources will be particularly useful in diagnosing issues impacting performance (e.g., employee skills, attitudes and motivation, clarity of job expectations, systemic issues, access to information and resources, relationships with co-workers and supervisor, etc.) and identifying options for addressing these issues (e.g., development opportunities, tools or equipment to support improved performance, reassignment of the employee to a position that better matches his/her capabilities and interests, etc.). They will also make referrals to others who may be helpful, and identify systemic or organization wide issues which may be affecting performance.

Supervisors are expected to utilize the Resources for assistance in preventing and alleviating performance problems. Employees may also use the resources to assist them in correcting self-identified performance problems, in development planning to enhance their career opportunities consistent with the needs of the organization, and to facilitate communication and feedback with their supervisors, etc.

b. Two Level Rating System. The system employs a two level rating system: ''acceptable'' and ''unacceptable'' performance. ''Acceptable'' performance is defined as ''performance that fulfills the requirements for which the position exists.'' An employee's performance may not be determined ''unacceptable'' unless the employee has been placed on and failed a performance plan. Employee performance ratings will be documented annually.

c. Establishing Performance Expectations. Clear, mutually understood performance expectations that are linked to organizational goals, strategies and values are fundamental to successful individual and organizational performance. The outcome of this component of the Performance Development System is clear communication of the products and/or services to be delivered by the employee(s), and the success criteria against which those outputs will be assessed. Documentation of outputs and success criteria is expected when necessary to facilitate mutual understanding of performance expectations.

The most effective means of creating a common understanding is through a process in which the supervisor and

employee(s) discuss requirements and establish performance goals and expectations. Employees and supervisors are expected to actively participate in these discussions to seek clarity regarding expectations and identify potential obstacles to meeting goals. In addition, employees should explain (to the extent possible) what they need from their supervisor to support goal accomplishment. The timing of these goal setting discussions will vary based on the nature of work performed, but will occur at least annually. More frequent, task specific, discussions of expectations may be more appropriate in some organizations. In cases where work is accomplished by a team, team discussions regarding goals and expectations may be appropriate; however, expectations for individual contributions to the team goals should always be clearly specified. Either the supervisor, the employee, or the union may enlist the assistance of the Performance Development Resources to facilitate effective dialogue with regard to these issues.

Documentation of performance expectations is a helpful mechanism for ensuring clarity of understanding and providing a focus for later discussions on progress and developmental needs. As a minimum, formal documentation of expectations is required when an employee begins a new or substantially different job. Documentation in other situations is based on the needs and desires of the employee and supervisor, and may rely on other existing documentation (e.g., project plans, process documentation, customer requirements, etc.) No prescribed format is required for such documentation; the employee and supervisor are encouraged to seek agreement on what form of documentation will meet their needs and who will be responsible for producing it. The assistance of the Performance Development Resources may be enlisted by either party to support their efforts to reach agreement. In bargaining units, documentation procedures will be subject to bargaining. Current limitations regarding union involvement in decisions concerning assigning and directing employees will not prevent the parties within the Demonstration Project from developing appropriate procedures for documenting performance discussions.

d. On-going Performance Dialogue. To facilitate performance development, employees and supervisors will engage in on-going dialogue. Ideally this dialogue will occur as part of normal day-to-day interactions for the purpose of ensuring a common understanding of expectations, reviewing whether expectations are being met, providing support in identifying resources or solving problems, providing coaching on complex or sensitive issues, providing information to increase the understanding of the project context, and keeping the supervisor informed of progress. In addition to this on-going interaction, however, it is expected that periodically a more formal dialogue will occur focused on reviewing progress, discussing customer feedback, exploring process improvements that could remove obstacles to effective performance, and identifying developmental needs to support continual improvement and career growth. The employee and supervisor should seek agreement on the frequency and form for both the formal and informal dialogues to ensure they will meet their needs. Either the supervisor, the employee or the union may call upon the Performance Development Resources to facilitate communications or conflict resolution around these issues. In cases where work is accomplished by a team, team meetings may be an appropriate forum for some of this interaction; however, team discussions do not eliminate the need for the supervisor to have some form of individual dialogue with each employee.

The expected outcomes from this on-going dialogue component are plans to support the continuous improvement of individual and organizational performance. Documentation of these discussions and resulting plans is encouraged to the extent that it contributes to clarity of understanding and facilitates later review of progress on continuous improvement efforts. The nature and content of such documentation is based on the needs and desires of the employee and supervisor. No prescribed format is required for such documentation; the employee and supervisor are encouraged to seek agreement on what form of documentation will meet their needs and who will be responsible for producing it. The assistance of the Performance Development Resources may be enlisted by either party to support their efforts to reach agreement.

In bargaining units, these procedures are subject to bargaining. Current limitations regarding union involvement in decisions concerning assigning and directing employees will not prevent the parties within the Demonstration Project from developing appropriate procedures for ongoing performance dialogues and for documenting performance discussions.

e. Feedback from Multiple Sources. The primary purpose of feedback in the Performance Development System is to provide employees with information regarding how well their performance is meeting customer requirements in order to help the employees continually improve their performance. The outputs expected from this component are data and customer feedback which enable review of performance against success criteria. These data provide input to the review and continuous performance improvement planning discussed as part of the on-going dialogue component.

The responsibility for employee development and continuous improvement is jointly held between the supervisor and employee. They are expected to work together to identify internal and external customers and to define and implement a process by which the employee can regularly receive feedback. A variety of mechanisms may be appropriate, such as customer surveys, process measures which track customer requirements, and discussions with customers. Supervisors are expected to facilitate this process and work with employees to interpret the feedback and establish improvement goals. Performance Development Resources may be helpful during this process. Their assistance may be requested by the supervisor, the employee or the union. Current limitations regarding union involvement in decisions concerning assigning and directing employees will not prevent the parties within the Demonstration Project from developing appropriate mechanisms and procedures for obtaining feedback from multiple sources.

Managers and supervisors are also expected to obtain feedback from their customers, including their employees, and to use that feedback as a basis for establishing both personal and organizational performance development goals. The use of an anonymous instrument is appropriate for providing feedback to supervisors and managers on the impact of their behavior. The use of these instruments will help focus attention on desired leadership behaviors, structure the feedback in a constructive manner, and offset the power imbalance that often prevents supervisors from getting useful feedback from their employees. When necessary, supervisors and managers may choose to use the Performance Development Resources to help support their own developmental needs.

f. Performance Plan. When an employee has continued performance difficulties, the organization will provide a formal Performance Plan to support the supervisor and employee in resolving the performance problems.

Use of the Performance Development Resources will be an integral part of this effort. Supervisors are expected to call on the Resources for assistance in preventing or alleviating performance problems before the need for formal action arises. When there is an indication that performance is not consistently meeting customer requirements, supervisors are expected to call on the Resources to analyze the causes of the difficulty and develop an approach for resolving it. Development of a formal Performance Plan is indicated if and when it is determined that the employee's performance (vs. system performance) is a contributor to the problem and informal intervention has not been successful in correcting the problem. Use of the Performance Development Resources is expected throughout the period of the Performance Plan in an attempt to facilitate a solution to the problem. The Performance Plan must be written, and will clearly document organizational expectations for successful job performance, specify accountability, identify developmental resources to correct any skill deficiencies, define the time frame of the performance plan, specify organizational support that will be provided and how performance results will be monitored. In addition, the Plan will clearly specify the potential consequences if performance is not acceptable. Periodic discussions between the supervisor and employee must occur during the time frame of the Performance Plan to review progress; these discussions must be documented. Current limitations regarding union involvement in decisions concerning assigning, directing, removing or reducing in grade employees will not prevent the parties within the Demonstration Project from developing appropriate procedures and documentation in connection with Performance Plans. (Note: Nothing in this subsection will preclude action under Title 5, United States Code, Chapter 75, when appropriate.)

g. Accountability for Performance. An employee will be given a rating of unacceptable only if and when the employee is unable to successfully complete the Performance Plan. When an employee's performance is rated as unacceptable, one of four actions will be taken: (1) removal from the Federal Service, (2) placement in a lower band level with a corresponding reduction in pay (demotion), (3) reduction in pay while remaining in the same band level, or (4) placement in a lower band level with no reduction in pay (demotion).

For the third category of action, the amount of reduction in pay will be up to, but may not exceed, the maximum amount of incentive pay (see below) that the employee could be eligible to receive during the current payout period, i.e., up to the equivalent of 4 continuing pay points as of the most recent payout cycle. Following the pay reduction, the objective is to restore performance and pay commensurate with it. A formal Development Plan will be established to maximize the opportunity for success in the assignment by clearly identifying performance expectations and defining a plan to achieve them within an appropriate time frame, not to exceed 12 months. The activity's Performance Development Resources will be utilized throughout this process. If and when performance improves during the period in which the employee is otherwise ineligible for incentive pay, some or all of the reduced pay may be restored. Such restoration is not retroactive and is separate and apart from incentive pay.

For the fourth category of action, the employee may be moved to the next lower band level provided no loss in pay results and the employee's pay does not exceed the top of the lower band level. Within the Demonstration Project, this would not be considered an adverse action and would not be appealable through a statutory appeals process except for preference eligible employees. Employees will be provided with a written notice of the decision and preference eligibles will be notified of their right to appeal the action to the Merit Systems Protection Board. Current limitations regarding union involvement in decisions concerning reducing employees in grade will not prevent the parties within the Demonstration Project from developing procedures for the non-adverse reduction in band level. The decision to reduce an employee to a lower band level with no reduction in pay will be subject to review under existing grievance or alternative dispute resolution procedures.

3. Incentive Pay System

The Incentive Pay System provides a mechanism for encouraging and rewarding performance contributions and other outcomes resulting from the continuous improvement focus of the performance development system.

Incentive Pay for Employees Covered by Broad Banding: Supervisors will conduct an annual review of each employee's salary and decide how total compensation should be adjusted to reflect the employee's performance contribution to the organization. The adjustment may be made as a continuing increase to base pay and/or as a one-time cash bonus to adjust total compensation. The philosophical foundation for incentive pay is described below:

BILLING CODE 6325–01–P

Principles of Incentive Pay

Background: One of the outcomes of pay banding is an expanded range of pay progression opportunities for employees. This is accomplished through "incentive pay." Incentive pay is awarded to people based on the value of their performance contributions to the organization. With this comes the necessity to insure that pay decisions are consistent with the needs and values of the organization. At the same time, they must be seen as fair and equitable. While the Demonstration Project provides discretion for Warfare Center Divisions to substantially define the criteria and process for managing incentive pay, it is appropriate that there be general Project-wide principles that provide a policy framework for division decisions. The following are those principles.

PRINCIPLE: "The organization succeeds through the collective contributions of people in all occupations."

The Warfare Centers perform critical missions for the Navy in support of national defense. These missions require the collective efforts of all their people. While certain positions and occupations are highly visible, it is the whole organization as a team pulling in the same direction and towards the same goals that enables the Centers to excel. In that regard, no occupational groups are to be effectively excluded from opportunities for incentive pay and other forms of recognition. Rather, there is an expectation that incentive pay generally will be distributed proportionally to the various career paths. Further, all people who are making positive performance contributions as demonstrated by acceptable performance will share in incentive pay. Amounts and time intervals will be set by Divisions/sites.

PRINCIPLE: "Pay should be commensurate with value of performance to the organization."

In general, an individual's total pay (base pay, plus any incentive pay) should be commensurate with the value of the performance contributions to the organization. Contributions may be based on past and/or potential performance consistent with criteria defined by the Warfare Center Divisions. In that regard, there should be relative pay equity between people whose contributions to the organization are of equal value. Consistent with this principle, as the value of a person's contribution increases, compensation should likewise increase. It follows that as an individual's compensation increases, there is a corresponding increase in expected performance contributions.

Typically, when a person is hired, or promoted to a higher band level, and pay is at or near the lower end of that band, there are expected successive increases in pay toward the mid range of that band. This pay growth is reflective of a learning curve upon entering a new position, and the corresponding increasing value to the organization. Pay progression through the mid range occurs with progressively higher levels of performance contributions. Beyond that, extraordinary contributions are expected for pay to increase through the upper levels of the band.

BILLING CODE 6325–01–C

a. Eligibility. All employees who are making positive performance contributions as demonstrated by acceptable performance will share in incentive pay with the amounts and time intervals set by the Divisions and sites. Employees receiving an unacceptable rating since the last incentive payout are ineligible for the next incentive pay consideration.

b. Incentive Pay Pool. Payments under the Incentive Pay System are made from the incentive pay pool. Within the

incentive pay pool, there are separate funds for continuing pay increases and bonus payments. The incentive pay pool is not used to fund promotions between pay bands. It is also not used to fund general pay increases, special rate increases, or locality pay increases; rather, employees will continue to receive any such increases consistent with other employees outside the demonstration project.

The incentive pay pool will be operated within the parameters of the overall finance system governing the Warfare Centers. As a Defense Business Operating Fund (DBOF) activity, the Warfare Centers are 100 percent industrially funded and operate as ''not-for-profit'' competitors within the Department of Defense. Under DBOF, the Centers are reimbursed for their work by their customers through billings based on stabilized rates. The assistant Secretary of the Navy for Financial Management and Comptroller oversees the establishment of these stabilized rates through reviews of Biannual Financial Management Budget submissions, which are highly visible at all Command levels. This funding process imposes a discipline in controlling costs (including salary expenditures) for the Warfare Centers that is not present under appropriated funded organizations.

The size of the continuing pay fund is based on appropriate factors, including the following:

a. historical spending for within-grade increases, quality step increases, and in-level career promotions (with dynamic adjustments to account for changes in law or in staffing factors e.g., average starting salaries and the distribution of employees among job categories and band levels);

b. labor market conditions and the need to recruit and retain a skilled workforce to meet the business needs of the organization; and

c. the fiscal condition of the organization.

Given the implications of base pay increases on long-term pay and benefit costs, the amount of the continuing pay fund will be derived after a cost analysis with documentation of the mission-driven rationale for the amount. Any decision to substantially reduce the amount of funds devoted to continuing pay increases would typically occur only in lieu of more drastic cost cutting measures (e.g., RIF or furlough). As part of the evaluation of the project, average salary (base pay) will be tracked over time using two comparison groups: (1) the original two Navy Demonstration labs in China Lake and San Diego, and (2) a comparison group constructed using OPM's Central Personnel Data File.

The size of the bonus pay fund will be based on appropriate factors, including the following:

a. historical spending for performance awards, special act awards, and awards for beneficial suggestions;

b. the organization's fiscal condition and financial strategies; and

c. employee retention rates.

The decision process for defining the size of the incentive pay pool and the two funds within that pool will be established at the Division/site level. The design of the decision process, insofar as it affects bargaining unit employees, will be subject to collective bargaining.

d. Delegated Criteria Setting. The criteria and process for incentive pay will be substantially defined at the Division/site level. The incentive pay decision may be based on some combination of past, present and future performance. Examples of criteria may include criticality of skills, difficulty of position, criticality of position, individual or team contributions, suggestions for improving system or organization processes, length and/or quality of experience, current total compensation, etc. The criteria and process for incentive pay distribution for bargaining unit employees are subject to collective bargaining. Current limitations regarding union involvement in decisions concerning assigning and directing employees will not prevent the parties from developing the criteria and process for incentive pay decisions. (Note: The movement of an employee within a band based on the execution of an incentive pay decision is not a ''classification'' action.)

e. Pay points. The payout process will utilize a point system to distribute incentive pay increases. A maximum of four (4) points will be available, thus each employee performing in an acceptable manner will be eligible to receive 0,1,2,3 or 4 pay points in the form of continuing pay, bonus pay or some combination.

For FWS employees, cash awards continue to be available under the existing Incentive Awards system based on performance and special acts.

f. Communication and Documentation. It is important that employees understand what is expected in order to receive a pay increase. Supervisors will interpret organizational criteria for their employees to clarify how it applies to their work and have periodic assessment discussions with employees to prevent surprise decisions at the time of payout. These assessment discussions should normally be held separately from performance development dialogues. Supervisors and employees are encouraged to seek agreement on their documentation needs. In addition, supervisors are expected to document their payout recommendation decisions and to discuss their decision rationale with employees. In bargaining units, documentation procedures will be subject to bargaining. Current limitations regarding union involvement in decisions concerning assigning and directing employees will not prevent the parties from developing documentation procedures for the communication and documentation of incentive pay discussions and decisions.

g. Reconsideration of Incentive Pay Decisions. Employees will have the opportunity for a reconsideration of incentive pay decisions. While the specific purpose of the reconsideration is to address employee concerns about such decisions, the process is also intended to facilitate communication and understanding between employees and supervisors/managers concerning performance contributions and their impact on pay decisions. In addition, the process seeks to identify possible systemic problems that need to be addressed. In that regard, reconsideration is considered a positive and integral component of an effective incentive pay system by providing a mechanism to support continuous improvement. Accordingly, employees will not be discouraged from requesting reconsideration. Neither will they be subjected to reprisal or stigma. The specific process for reconsideration will be defined at the Division/site level. Current limitations regarding union involvement in decisions concerning assigning and directing employees will not prevent the parties from developing procedures for the reconsideration of incentive pay decisions. That process will include, but will not necessarily be limited to, the following characteristics: It should be administratively streamlined; provide expedited resolution; maintain appropriate confidentiality; be fair and impartial; address assertions of harmful error involving issues of process and procedure; and ensure that management payout decisions reflect reasonableness in judgment in evaluating applicable criteria.

h. Guidance on Managing Incentive Pay. Each Division is expected to develop policies and criteria to guide the implementation of the incentive pay system which are consistent with their mission, strategies and organizational values, and supportive of the Naval Sea Systems Command and Warfare Center

strategic plans. Some Divisions may rely on individual management judgment based on general guidance, while other Divisions may define a more mechanical process based on highly objective criteria. Additional guidance may be provided by major organizational components (e.g., departments or directorates) to tailor or interpret the command-level criteria for their specific mission and strategies. Each major organizational component will have authority to manage the incentive pay allocation derived from the salaries of employees in that component. Departments/Directorates may further delegate authority to manage a prorated portion of the fund to the next lower echelon. Supervisors and managers within the unit will be assessing the nature of each employee's contribution, consistent with the organization's policy and criteria as reflected in the written guidance. They will then make recommendations to a second level reviewer regarding the number of pay points to be awarded to each employee (i.e., 0 to 4 points) and the nature of incentive pay (i.e., continuing pay and/or bonus pay). Decisions regarding approval/disapproval of recommendations will be made at the organizational level to which authority has been delegated to manage the pay pool; typically this will be the second or third level reviewer. In cases where work is accomplished by a team, the team members may be involved in formulating the recommendation for distribution of incentive pay.

4. Reduction in Force (RIF)

Flexible and responsive alternatives are needed to restructure an organization in a short period of time. The current RIF system is complicated, costly, and relatively unresponsive to the needs of the organization.

The proposed RIF system will have a single round of competition to replace the current ''two round'' process. Once the position to be abolished has been identified, the incumbent of that position may ''displace'' another employee when the incumbent has a higher retention standing and is fully qualified for the position occupied by the employee with a lower standing. Retention standing is based on tenure, veteran's preference, length of service, and performance. However, there will be no augmented service credit based on performance ratings. An employee rated as unacceptable during the 12 month period preceding the effective date of a RIF may only displace an employee rated unacceptable during that same period. The same ''undue disruption'' standard currently utilized will serve as the criteria to determine if an employee is fully qualified. The displaced individual may similarly displace other employees. If/when there is no position in which an employee can be placed by this process or assigned to a vacant position, that employee will be separated.

Displacement is limited to one broad band level below the employee's present level. A preference eligible employee with a compensable service connected disability of 30 percent or more may displace up to two broad band levels (or the equivalent of five General Schedule grades) below the employee's present level. Employees not covered by broad banding (FWS), may ''displace'' up to three grades/intervals (five grades/intervals for preference eligibles with a service connected disability of 30 percent or more).

The new system will eliminate retained grade but will preserve retained pay.

All positions included in the Demonstration Project within an activity at a specific geographic location will be considered a separate competitive area.

5. Competitive Examining and Distinguished Scholastic Appointments

The Warfare Center needs a process which will allow for the rapid filling of vacancies, is less labor intensive, and is responsive to our needs. Restructuring the examining process and providing an authority to appoint candidates meeting distinguished scholastic achievements will help achieve these goals. When a Division implements the Demonstration Project for some portion of their workforce, this component may be available for all occupations. This will eliminate the imposition of multiple examining and appointment systems on the public and will strengthen efficiencies gained under the Demonstration Project. To further minimize resource requirements and the complexities inherent in administering two different sets of examining and hiring processes, this component may also be applied to GS and FWS positions in activities for which the Warfare Center Divisions provide human resource services.

a. Delegated Examining Authority. The Warfare Centers propose to demonstrate a streamlined examining process for both permanent and non-permanent positions. This authority will be further delegated to the Division level. This authority will apply to all positions with exception of positions in the Senior Executive Service, to Senior Level (ST/SL) positions, to the Executive Assignment System or positions of Administrative Law Judge. This authority will include the coordination of recruitment and public notices, the administration of the examining process, the administration of veteran's preference, the certification of candidates, and selection and appointment consistent with merit principles.

b. Description of Examining Process: The primary change in the examining process to be demonstrated is the grouping of eligible candidates into three Quality Groups using numerical scores and the elimination of consideration according to the ''rule of three''.

For each candidate, minimum qualifications will be determined using OPM's Operating Manual for ''Qualification Standards For General Schedule Positions''/''Job Qualification Systems For Trades and Labor Occupations (Handbook X–118C)'' including any selective placement factors identified for the position. Candidates who meet basic (minimum) qualifications will be further evaluated based on knowledge, skills and abilities which are directly linked to the position(s) to be filled. Based on this assessment, candidates will receive a numerical score of 70, 80, or 90. No intermediate scores will be granted except for those eligibles who are entitled to veterans preference. Preference eligibles meeting basic (minimum) qualifications will receive an additional 5 or 10 points (depending on their preference eligibility) which is added to the minimum scores identified above. Candidates will be placed in one of three quality groups based on their numerical score, including any veterans preference points: Basically Qualified (score of 70 and above), Highly Qualified (score of 80 and above), or Superior (score of 90 and above). The names of preference eligibles shall be entered ahead of others having the same numerical.

For scientific/engineering and professional positions at the equivalent of GS–9 and above, candidates will be referred by quality groups in the order of the numerical ratings, including any veterans preference points. For all other positions, i.e., other than scientific/engineering and professional positions at the equivalent of GS–9 and above, preference eligibles with a compensable service-connected disability of 10 percent or more who meet basic (minimum) eligibility will be listed at the top of the highest group certified.

In selecting the top candidate, selecting officials should be provided with a reasonable number of qualified candidates from which to choose. All candidates in the highest group will be

certified. If there is an insufficient number of candidates in the highest group, candidates in the next lower group may be certified in rank order. When two or more groups are certified, candidates will be identified by quality group (i.e., Superior, Highly Qualified, Basically Qualified) in the order of their numerical scores. In making selections, to pass over any preference eligible(s) to select a nonpreference eligible requires approval under current pass over or objection procedures.

c. Distinguished Scholastic Achievement Appointment: The Warfare Centers further propose to establish a Distinguished Scholastic Achievement Appointment using an alternative examining process which provides the authority to appoint undergraduates and graduates through the doctoral level who meet basic eligibility as determined by using OPM's Operating Manual for ''Qualification Standards For General Schedule Positions'' plus any previously established selective placement factors, if applicable and the following scholastic standards:

- 3.5 grade-point average (GPA) or above on a 4.0 scale for required courses in the major field of study, or for all course work; or
- graduated in the top 10% of their graduating class.

At the undergraduate level, the GPA may be based on 4 years of education or on those courses completed during the final 2 years of the curriculum.

Veterans preference procedures will apply when selecting candidates under this authority. Preference eligibles who meet the above criteria will be considered ahead of nonpreference eligibles. In making selections, to pass over any preference eligible(s) to select a nonpreference eligible requires approval under current objection procedures.

This authority allows for the competitive appointment to positions at the equivalent of GS–7 through GS–11, and GS–12 for positions involved in research. Distinguished Scholastic Achievement Appointments will enable the Warfare Centers to respond quickly to hiring needs with eminently qualified candidates possessing distinguished scholastic achievements.

C. Project Implementation

While many of the basic elements of each component of the project will be implemented uniformly at all sites through policies established at the Warfare Center level, a number of policies, procedures, or processes will be delegated to the Division and/or site levels. This permits the system to be operationally defined, within a Warfare Center directed framework, to fit the culture and needs of the local organizations. In bargaining units, the project will be implemented only after there is full agreement through the collective bargaining process.

D. Entry Into and Exit From the Project

1. Initial Conversion of Current Workforce. For the most part, current GS/GM employees will be converted automatically from their current grades to the appropriate career paths and band levels. However, the Warfare Centers consider it essential to the success of the project that employees, upon entering the project, feel that they are not losing a pay entitlement accrued under the GS system. Accordingly, current employees of the Warfare Centers will be ''made whole'' through a one year ''buy-in'' period. On the day of conversion, employees typically will receive base pay increases for prorated step increase equivalents. Employees at the 10th step are not eligible for the increase. Further, during the first 12 months following conversion, employees will receive pay increases for non-competitive promotion equivalents when the grade level of the promotion is encompassed within the same band, the employee's performance warrants the promotion and promotions would have otherwise occurred during that period. Employees who receive an in-level promotion at the time of conversion will not receive a prorated step increase equivalent.

Additionally, in many cases, employees who are today covered by a local or national special salary rate will no longer be considered a special rate employee under the Demonstration Project and will thus gain eligibility for full locality pay. To control conversion costs and to avoid a salary increase windfall for these employees, the adjusted salaries of these employees will not change. Rather, the employees will receive a new basic pay rate computed by dividing their adjusted basic pay by the locality pay factor for their area. A full locality adjustment will then be added to the new basic pay rate. Adverse action and pay retention provisions will not apply to the conversion process as there will be no change in total salary.

2. New and Transfer Employees. New hires, including employees transferring from other Federal activities, will be converted into the Demonstration Project in the career path and at the level and pay consistent with the duties and responsibilities of the position and individual qualifications.

3. Exit From the Demonstration Project. Employees who leave the Demonstration Project broad banding system to accept federal employment in the traditional Civil Service system will have their pay set by the gaining activity. To assist activities in setting pay and in determining whether such placement constitutes a promotion, reassignment, or change to lower grade, the employee's band and salary level will be converted to a General Schedule equivalent grade prior to leaving the Demonstration Project in the following manner:

Employees who exit the Demonstration Project will be tentatively converted to a GS grade most comparable to the employee's current Demonstration Project level and salary. In instances where the current salary is in the area between two overlapping GS grades within the same level, the converted grade is either (1) the higher of the two overlapping GS grades if the current salary meets or exceeds Step 4 of the higher GS grade, or (2) the lower of the overlapping grades if the current salary is less than Step 4 of the higher GS grade. In those instances where the current salary falls below the established GS salary range for the lowest GS grade covered by that Demonstration Project band level, the converted grade is the lowest GS grade level in that band. In those situations where an employee has not been promoted or placed in a lower pay band while covered by the Demonstration Project, the employee will be converted at a level which is no lower than the GS grade held immediately prior to entering the Demo project. This converted GS grade is the GS equivalent grade and is not necessarily the grade the employee will have upon transfer or reassignment outside the Demonstration Project.

An employee's pay within the converted GS grade is set by converting the demonstration project adjusted rate of pay to a rate on the highest applicable adjusted rate range for the converted GS grade (including locality rates and special rates, as applicable). For example, if the highest applicable adjusted rate range under the GS pay system for a particular employee is a special rate range, the adjusted project rate (locality rate or special rate) is converted to the lowest special rate in that range that equals or exceeds the project rate; from this converted special rate, the employee's unadjusted GS rate and locality rate would be derived. This pay conversion is done before processing any geographic movement or other pay-related action coinciding with the employee's conversion out of the demonstration project.

When an employee transfers to another activity, the employee's rating

of record will be transferred. When the gaining activity uses other than a two level performance system, the employee may be provided a supplementary performance assessment using the gaining organizations appraisal criteria. If the employee requests such an appraisal, the employee will be responsible for providing the criteria to the supervisor for completion. Gaining organizations are not bound to use this supplementary performance appraisal in any formal actions.

E. Project Duration

The initial implementation period for the Project will be five years. At that time, the entire demonstration project will be reexamined to determine whether to continue, modify or terminate the Project.

IV Evaluation Plan

Chapter 47 (Title 5 U.S.C.) requires that an evaluation system be implemented to measure the effectiveness of the proposed personnel management interventions. An evaluation plan for the entire laboratory demonstration program covering 24 DOD labs was developed by a joint OPM/DOD Evaluation Committee. A Comprehensive evaluation plan was submitted to the Office of Defense Research & Engineering in 1995 and subsequently approved. (Proposed Plan for Evaluation of the Department of Defense S&T Laboratory Demonstration Program, Office of Merit Systems Oversight & Effectiveness, June 1995). The overall evaluation effort will be coordinated and conducted by OPM's Personnel Resources and Development Center(PRDC). The primary focus of the evaluation is to determine whether the waivers granted result in a more effective personnel system than the current as well as an assessment of the costs associated with the new system.

The present personnel system with its many rigid rules and regulations is generally perceived as an impediment to mission accomplishment. The Demonstration Project is intended to remove some of those barriers and therefore, is expected to contribute to improved organizational performance. While it is not possible to prove a direct causal link between intermediate and ultimate outcomes (improved personnel system performance and improved organizational effectiveness), such a linkage is hypothesized and data will be collected and tracked for both types of outcome variables.

An intervention impact model (Appendix B) will be used to measure the effectiveness of the various personnel system changes or interventions. Additional measures will be developed as new interventions are introduced or existing interventions modified consistent with expected effects. Measures may also be deleted when appropriate. Activity specific measures may also be developed to accommodate specific needs or interests which are locally unique.

The evaluation model for the Demonstration Project identifies elements critical to an evaluation of the effectiveness of the interventions. The overall evaluation approach will also include consideration of contact variables that are likely to have an impact on project outcomes: e.g., HRM regionalization, downsizing, cross-service integration, and the general state of the economy. However, the main focus of the evaluation will be on intermediate outcomes, i.e., the results of specific personnel system changes which are expected to improve human resources management. The ultimate outcomes are defined as improved organizational effectiveness, mission accomplishment and customer satisfaction.

Data from a variety of different sources will be used in the evaluation. Information from existing management information systems supplemented with perceptual data will be used to assess variables related to effectiveness. Multiple methods provide more than one perspective on how the demonstration project is working. Information gathered through one method will be used to validate information gathered through another. Confidence in the findings will increase as they are substantiated by the different collection methods. The following types of data will be collected as part of the evaluation: (1) Workforce data; (2) personnel office data; (3) employee attitudes and feedback using surveys, structured interviews and focus groups; (4) local activity histories; (5) core measures of laboratory effectiveness.

V. Waivers of Law and Regulation

A. Waivers to Title 5, United States Code

Chapter 33, Section 3317(a): Competitive service, certification from register (in so far as ''rule of three'' is eliminated under the Demonstration project).

Chapter 33, Section 3318(a): In so far as ''rule of three'' is eliminated under the Demonstration project.

Chapter 43, Section 4301: Definitions

Chapter 43, Section 4302: Establishment of performance appraisal systems.

Chapter 43, Section 4303: Modified to the extent that an employee may be removed, reduced in band level with a reduction in pay, reduced in pay without a reduction in band level or reduced in band level without a reduction in pay based on unacceptable performance. For employees who are reduced in band level without a reduction in pay, Sections 4303(b) and 4303(e) do not apply.

Chapter 43, Section 4303(b)(1)(A)(ii): Requirement for critical elements.

Chapter 51, Section 5101–5111: Purpose, definitions, basis, classification of positions, review, authority—To the extent that white collar employees will be covered by broad banding. Pay category determination criteria for Federal Wage System positions remain unchanged.

Chapter 53, Section 5301; 5302(1), (8), and (9); Section 5303; and Section 5304: Pay Comparability System. (To the extent necessary to allow Demonstration project employees covered by broad banding to be treated as General Schedule employees and to allow basic rates of pay under the Demonstration project to be treated as scheduled rates of basic pay.) (This waiver does not apply to Federal Wage System (FWS) employees. This waiver does not apply to SL/ST employees who continue to be covered by these positions, as appropriate.)

Section 404 of the Federal Employees Pay Comparability Act of 1990 (PL 101–509): Special Pay Adjustments for Law Enforcement Officers in Selected Cities. (To the extent necessary to allow law enforcement officers under the demonstration project to be treated as law enforcement officers under the General Schedule.)

Chapter 53, Section 5305: Special Pay Authority. (This waiver does not apply to FWS employees.)

Chapter 53, Sections 5331–5336: General Schedule Pay Rates.

Chapter 53, Section 5362: Grade Retention.

Chapter 53, Section 5363: Pay Retention. (Only to the extent necessary to provide that pay retention does not apply to—(1) conversions from General Schedule special rates to Demonstration project pay and reallocations of Demonstration project pay rates within special rate extensions to locality adjusted pay rates due to promotions or general or locality pay increases, as long as the employee's total rate of pay is not reduced; and (2) reductions in basic pay due solely to the operation of the pay setting

rules for geographic movement within the Demonstration Project.)

Chapter 55, Section 5545(d): Hazardous Duty Differential. (Only to the extent necessary to allow Demonstration project employees covered by broad banding to be treated as General Schedule employees.) (This waiver does not apply to FWS and SL/ST employees.)

Chapter 57, Sections 5753, 5754, and 5755: Recruitment; Relocation Bonuses; Retention Allowances; Supervisory Differentials: (Only to the extent necessary to allow employees and positions under the Demonstration project covered by broad banding to be treated as employees and positions under the General Schedule.) (This waiver does not apply to FWS employees. This waiver does not apply to SL/ST employees who continue to be covered by these provisions, as appropriate.)

Chapter 59, Section 5941: Allowances based on living costs and conditions of environment; employees stationed outside continental United States or Alaska (Only to the extent necessary to provide that COLA's paid to employees under the demonstration project are paid in accordance with regulations prescribed by the President (as delegated to OPM)). (This waiver does not apply to FWS employees. This waiver does not apply to SL/ST employees who continue to be covered by these provisions, as appropriate.)

Chapter 71, Section 7106(a)(2): In so far as provision on assigning and directing, documenting performance discussions, Performance Development Resources, Performance Plans, criteria and process for incentive pay, and communication and documentation requirements for incentive pay and reconsideration of incentive pay decisions; and, in so far as provision on reducing employees in grade may prevent the parties from negotiating procedures for non-adverse assignment of employees to a lower pay band.

Chapter 71, Section 7119(b)(1): In so far as provision for either party to request impasse proceedings would be contrary to provisions of the Demonstration project.

Chapter 75, Section 7512(3): To the extent necessary to exclude reductions in band level not accompanied by a reduction in pay taken under Chapter 43.

Chapter 75, Section 7512(4): Adverse Action. (Only to the extent necessary to provide that adverse action provisions do not apply to—(1) conversions from General Schedule special rates to Demonstration project pay and reallocations of Demonstration project pay rates within special rate extensions to locality adjusted pay rates due to promotions or general or locality pay increases, as long as the employee's total rate of pay is not reduced; and (2) reductions in basic pay due solely to the operation of the pay setting rules for geographic movement within the demonstration project.)

B. Waivers to Title 5, Code of Federal Regulations

Part 300, Sections 300.601 through .605: Time in grade restrictions are eliminated in the Demonstration project.

Part 332, Section 332.401(b): Only to the extent that for non-professional or scientific positions equivalent to GS–9 and above, preference eligibles with a compensable service-connected disability of 10 percent or more who meet basic (minimum) qualification requirements will be entered at the top of the highest group certified without the need for further assessment.

Part 332, Section 332.402: ''Rule of three'' will not be used in the Demonstration project.

Part 332, Section 332.404: Order of selection is not limited to highest three eligibles.

Part 351, Section 351.402(b): Competitive area to the extent that the Demonstration project will be a separate competitive area within the activity.

Part 351, Sections 351.403(a) and (b): Competitive levels to the extent that there is no requirement for the establishment of competitive levels in the Demonstration project.

Part 351, Section 351.404(a) and (b): Retention register to the extent that the requirement to establish separate retention registers by competitive level is eliminated.

Part 351, Section 351.501(a)(3): For order of retention, delete ''as augmented by credit for performance under Section 351.504.

Part 351, Section 351.504: Credit for performance to the extent that the Demonstration project eliminates service credit for performance.

Part 351, Section 351.601 through .608: References to competitive levels are eliminated.

Part 351, Section 351.701(b) and (c) Assignment rights (bump and retreat). To the extent that the distinction between bump and retreat is elimininated and the placement of ''white collar'' Demonstration Project employees is restricted to no more than one broad band level below the employee's current level, except that for a preference eligible with a compensable service connected disability of 30 percent or more, the limit is two broad band levels (or the equivalent of five General Schedule grades) below the employee's present level.''

Part 430, Subpart B: Performance appraisal for General Schedule, Prevailing Rate and certain other employees: Employees under the Demonstration project will not be subject to the requirements of this subpart.

Part 432: Modified to the extent that an employee may be removed, reduced in band level with a reduction in pay, reduced in pay without a reduction in band level and reduced in band level without a reduction in pay based on unacceptable performance. Also modified to delete referenced to critical element. For employees who are reduced in band level without a reduction in pay, Sections 432.105 and 432.106(a) do not apply, except that such sections continue to apply to preference eligible employees.

Part 432, Section 432.104 and .105: Proposing and Taking Action Based on Unacceptable Performance: In so far as references to ''critical elements'' are deleted and adding that the employee may be ''reduced in grade or pay or removed'' if performance does not improve to acceptable levels after a reasonable opportunity. In addition, requirements waived to the extent that a reduction in band level is taken based on skill utilization criteria when there is no reduction in pay.

Part 511, Section 511.201: Coverage of and exclusions from the General Schedule. (To the extent that White Collar positions are covered by broad banding. Pay category determination criteria for Federal Wage System positions remain unchanged.)

Part 511, Section 511.601: Classification appeals—modified to the extent that white collar positions established under 5 U.S.C. 4703, although specifically excluded from Title 5, are covered by the classification appeal process outlined in this section, as amended below.

Part 511, Section 511.603(a): Right to appeal—substitute ''band'' for grade.

Part 511, Section 511.607(b): Non Appealable Issues—add to the list of issues which are neither appealable nor reviewable, ''the assignment of series under 5 U.S.C. 4703 to appropriate career paths.''

Part 530, Subpart C: Special Salary Rates.

Part 531, Subparts B, D, and E: Determining The Rate of Basic Pay, Within-Grade Increases, and Quality Step Increases.

Part 531, Subpart C and F: Special Pay Adjustments for Law Enforcement Officers and Locality-Based Comparability Payments. (Only to the extent necessary to allow Demonstration Project employees covered by broad banding to be treated as General Schedule employees and to allow basic rates of pay under the demonstration project to be treated as scheduled annual rates of pay.) (This waiver does not apply to FWS employees. This waiver does not apply to SL/ST employees who continue to be covered by these provisions, as appropriate.)

Part 536: All provisions pertaining to grade retention.

Part 536, Section 536.104: Pay Retention. (Only to the extent necessary to provide that pay retention does not apply to—(1) conversions from General Schedule special rates to Demonstration project pay and reallocations of Demonstration project pay rates within special rate extensions to locality adjusted pay rates due to promotions or general or locality pay increases, as long as the employee's total rate of pay is not reduced; and (2) reductions in basic pay due solely to the operation of the pay setting rules for geographic movement within the Demonstration Project.)

Part 550, Section 550.703: Severance Pay. (Modify the definition of ''reasonable offer'' by replacing ''two grade or pay levels'' with ''one band level'' and ''grade or pay level'' with ''band level''.) (This waiver does not apply to FWS employees.)

Part 550, Section 550.902, definition of ''employee'': Hazardous Duty Pay. (Only to the extent necessary to treat demonstration project employees covered by broad banding as General Schedule employees.) (This waiver does not apply to FWS and SL/ST employees.)

Part 575, Subparts A, B, C, and D: Recruitment Bonuses, Relocation Bonuses, Retention Allowances, and Supervisory Differentials. (Only to the extent necessary to allow employees and positions under the demonstration project covered by broad banding to be treated as employees and positions under the General Schedule.) (This waiver does not apply to FWS employees. This waiver does not apply to SL/ST employees who continue to be covered by these provisions, as appropriate.)

Part 591, Subpart B: Cost-of-Living Allowances and Post Differential-Nonforeign Areas. (To the extent necessary to allow demonstration project employees covered by broad banding to be treated as employees under the General Schedule.) (This waiver does not apply to FWS employees. This waiver does not apply to SL/ST employees who continue to be covered by these provisions, as appropriate.)

Part 752: Section 752.401(a)(3): To the extent necessary to exclude reductions in band level not accompanied by a reduction in pay taken under Chapter 43.

Part 752: Section 752.401(a)(4): Adverse Action. (Only to the extent necessary to provide that adverse action provisions do not apply to—(1) conversions from General Schedule special rates to Demonstration project pay and reallocations of Demonstration project pay rates within special rate extensions to locality adjusted pay rates due to promotions or general or locality pay increases, as long as the employee's total rate of pay is not reduced; and (2) reductions in basic pay due solely to the operation of the pay setting rules for geographic movement within the demonstration project.)

VI. Cost

The goal of this Demonstration Project is the implementation of a system in which payroll costs and resource utilization can be controlled consistent with the organization's larger fiscal strategies. This is especially critical in our industrially funded (DBOF) environment. The continued economic viability of the DBOF activities depends in large measure on controlling expenditures and remaining cost competitive with other organizations. This Demonstration Project proposes a system of pay incentives and processes that are flexible and can operate in harmony with the organization's operational needs and the financial needs of the larger organization. The costs of project implementation will be borne by the Divisions/sites.

Costs associated with the development of the Demonstration project include software automation, training and project evaluation. All funding will be provided through the Warfare Centers budget. Training costs will be approximately $192K per thousand employees. The timing of the expenditure will be site specific and dependent upon the implementation schedules. Because automation requirements will be minimized as a result of system similarities to existing Navy Demonstration Projects, costs are estimated at $100K for the first two years of project implementation. Evaluation costs are estimated at approximately $60K per year.

VII. Project Oversight and Management

Project oversight and management will be carried out by the Warfare Center's Executive Group, composed of the Commanders and Technical Directors of the two Warfare Centers. They will be assisted by the Demonstration Project Management Office and the Steering Committee. (See Figure 5)

The Steering Committee, chaired by a senior executive or senior Navy officer appointed by the Executive Group, is comprised of a senior member of each Division of the Warfare Centers, and a member from the American Federation of Government Employees, Metal Trades Council, International Association of Machinists, National Association of Government Employees, National Federation of Federal Employees, and Fraternal Order of Police. This group serves as an advisory body to the Executive Group which makes final decisions on the Demonstration Project proposal and implementation. The role of the Steering Committee is to aggregate and analyze incoming data from formal and informal evaluations and make recommendations. It may also include facilitating information sharing, mediating impasses, and promotion of partnership roles.

BILLING CODE 6325–01–P

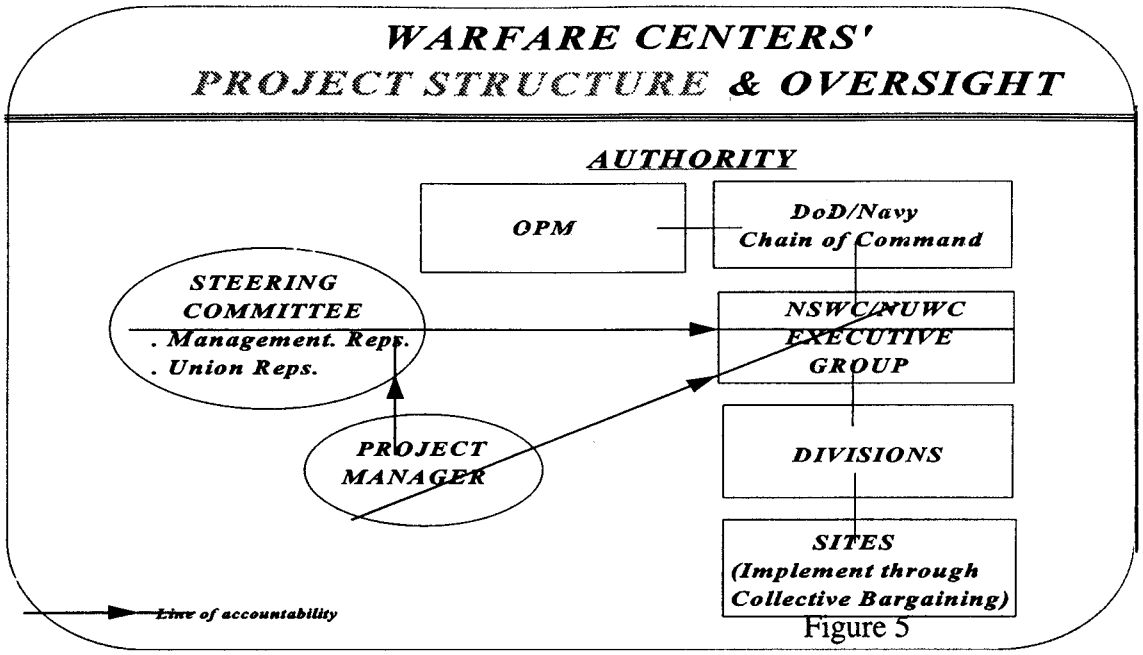

Figure 5

BILLING CODE G325–01–C

Appendix A: Employee/Union Involvement Methodology

From the inception of the Naval Sea Systems Command Warfare Centers' Personnel Demonstration Project, employee involvement in crafting the Project Proposal was viewed as essential to producing a plan that considered the needs of all parties. National union representatives participated as members of the Steering Committee which developed the Personnel Demonstration Project Proposal and will be overseeing its implementation. While the process that produced the Project Proposal was a collaborative one, union participation did not necessarily constitute full and complete endorsement of all details of the Proposal.

At the Warfare Centers' various Divisions and sites, employees and unions are involved through a variety of communications strategies. Within the Divisions, communications teams composed of a cross section of the workforce have been formed for the purpose of disseminating information about the project as well as a focal point for employee questions. Further, Divisions are establishing groups or committees to help guide the implementation of the Project throughout the organization. This model of broad participation is envisioned to continue throughout the life of the Demonstration Project.

Unions Represented

Dahlgren, VA—American Federation of Government Employees
White Oak, MD—American Federation of Government Employees; Metal Trades Council
Panama City, FL—National Federation of Federal Employees
Crane, IN—American Federation of Government Employees; Fraternal Order of Police
Louisville, KY—International Association of Machinists & Aerospace Workers
Carderock, MD—Metal Trades Council; Federal Firefighters Association; Pattern Maker Association
Annapolis, MD—National Federation of Federal Employees
Philadelphia, PA—Metal Trades Council; Fraternal Order of Police; International Association of Firefighters
Ft. Lauderdale, FL—American Federation of Government Employees
Port Hueneme, CA—National Association of Government Employees; Federal Union of Scientists and Engineers
Indian Head, MD—American Federation of Government Employees; International Association of Firefighters; International Association of Machinists and Aerospace Workers
McAlester, OK—American Federation of Government Employees
Keyport, WA—Metal Trades Council
Newport, RI—National Association of Government Employees; Federal Union of Scientists and Engineers
New London, CT—National Association of Government Employees

Appendix B: Project Evaluation and Oversight

Intervention Impact Model—DOD Lab Demonstration Program

1. COMPENSATION

Intervention	Expected effects	Measures	Data sources
a. Broad banding	—Increased organizational flexibility.	—Perceived flexibility	—Attitude survey.
	—Reduced administrative workload, paperwork reduction.	—Actual perceived time savings	—Personnel office data, PME results, attitude survey.
	—Advanced in-hire rates	—Starting salaries of banded v. non-banded employees.	—Workforce data.

1. COMPENSATION—Continued

Intervention	Expected effects	Measures	Data sources
	—Slower pay progression at entry levels.	—Progression of new hires over time by band, career path.	—Workforce data.
	—Increased pay potential	—Mean salaries by band, career path, demographics.	—Workforce data.
	—Increased satisfaction with advancement.	—Employee perceptions of advancement.	—Attitude survey.
	—Increased pay satisfaction	—Pay satisfaction, internal/external equity.	—Attitude survey.
	—Improved recruitment	—Offer/acceptance ratios—Percent declinations.	—Personnel office data.
	—No change in high grade (GS–14) distribution.	—Number/percentage of high grade salaries pre/post banding.	—Workforce data.
b. Conversion buy-in	—Employee acceptance	—Employee perceptions of equity, fairness.	—Attitude survey.
		—Cost as a percent of payroll	—Workforce data.

2. PERFORMANCE MANAGEMENT

Intervention	Expected benefits	Measures	Data sources
a. Cash awards/bonuses	—Reward/motivate performance	—Perceived motivational power	—Attitude survey.
	—To support fair and appropriate distribution of awards.	—Amount and number of awards by career path, demographics.	—Workforce data.
		—Perceived fairness of awards	—Attitude survey.
		—Satisfaction with monetary awards.	—Attitude survey.
b. Performance/contribution based pay progression.	—Increased pay-performance link	—Perceived pay-performance link	—Attitude survey.
		—Perceived fairness of ratings	—Attitude survey.
	—Improved performance feedback	—Satisfaction with ratings	—Attitude survey.
		—Employee trust in supervisors	—Attitude survey.
		—Adequacy of performance feedback.	—Attitude survey.
	—Decreased turnover of high performers; increased turnover of low performers.	—Turnover by performance rating category.	—Workforce data.
	—Differential pay progression of high/low performers.	—Pay progression by performance rating category, career path.	—Workforce data.
	—Alignment of organizational and individual performance expectations and results.	—Linkage of performance expectations to strategic plans/goals; performance expectations; perceived involvement.	—Performance expectations, strategic plans; attitude survey/focus groups.
	—Increased employee involvement in performance planning and assessment.	—Performance management procedures.	—Attitude survey/focus groups; personnel regulations.
c. New appraisal process	—Reduced administrative burden	—Employee and supervisor perception of revised procedures.	—Attitude survey.
	—Improved communication	—Perceived fairness of process	—Focus group.
d. Performance development	—Better communication of performance expectations.	—Feedback and coaching procedures used.	—Focus groups.
	—Improved satisfaction and quality of workforce.	—Organizational commitment	—Attitude surveys.
		—Perceived workforce quality	—Attitude survey.

3. "WHITE COLLAR" CLASSIFICATION

Intervention	Expected effects	Measures	Data sources
a. Improved classification systems with generic standards.	—Reduction in amount of time and paper-work spent on classification.	—Time savings; reduction of paper work/number of personnel actions (classification/promotions).	—Personnel office data.
	—Ease of use	—Managers' perceptions of time savings, ease of use, improved ability to recruit.	—Attitude survey.
	—Improved recruitment of employees with appropriate skills.	—Perceived quality of recruits	—Focus groups/Interviews.
		—GPA's of new hires, education levels.	—Personnel office data.

3. "WHITE COLLAR" CLASSIFICATION—Continued

Intervention	Expected effects	Measures	Data sources
b. Classification authority delegated to managers.	—Increased supervisory authority/accountability.	—Perceived authority	—Attitude survey.
	—Decreased conflict between management and personnel staff.	—Number of classification disputes/appeals pre/post.	—Personnel records.
		—Management satisfaction with service provided by personnel office.	—Attitude survey.
	—No negative impact on internal pay equity.	—Internal pay equity	—Attitude survey.
c. Dual career ladder	—Increased flexibility to assign employees.	—Assignment flexibility	—Focus groups, surveys.
		—Sup/non-sup ratios	—Workforce data.
	—Improved internal mobility	—Perceived internal mobility	—Attitude survey.
	—Increased pay equity	—Perceived pay equity	—Attitude survey.
	—Flatter organization	—Supervisory/non-supervisory ratios.	—Workforce data.
	—Improved quality of supervisory staff.	—Employee perceptions of quality of supervisors.	—Attitude survey.

4. STAFFING/RECRUITMENT

Intervention	Expected benefits	Measures	Data
Competitive examining and categorical grouping.	—Improved hiring process	—Management satisfaction with hiring process, time to hire, perceived quality of new hires.	—Attitude survey.
	—increased quality of hires	—GPA's of new hires, education levels.	—Personnel office data (from issue of Form 52 to referral of candidates).
	—Increased timeliness	—Time to fill positions	—Attitude survey.
	—No negative impact on fairness of process, openness to competition.	—Candidate/employee satisfaction.	

5. RIF

Intervention	Expected effects	Measures	Data sources
Modified RIF	—Prevent loss of high performing employees with needed skills.	—Separated employees by demographics, performance.	—Workforce data; attitude survey/focus groups.
	—Contain cost and disruption	—Satisfaction with RIF process	—Attitude survey/focus groups.
		—Cost comparisons of traditional v. modified RIF; time to conduct RIF; number of appeals/reinstatements.	—Rightsizing and documenting systems/personnel office/budget data.

6. COMBINATION OF ALL INTERVENTIONS

Intervention	Expected effects	Measures	Data sources
All	—Improved organizational effectiveness.	—Combination of personnel measures.	—All data sources.
	—Improved management of R&D workforce.	—Employee/management satisfaction.	—Attitude survey.
	—Improved planning	—Planning procedures	—Strategic planning documents.
	—Improved cross functional coordination.	—Perceived effectiveness of planning procedures.	—Attitude survey; organizational charts.
		—Actual/perceived coordination	—Attitude survey.
	—Increased product success	—Customer satisfaction	—Customer satisfaction surveys.
	—Cost of innovation	—Project training/development cost (staff salaries, contract cost, Training hours per employee).	—Demo project office records; contract documents.

7. CONTEXT

Intervention	Expected effects	Measures	Data sources
a. Regionalization	—Reduced servicing ratios/cost —No negative impact on service quality.	—HR servicing ratios —Average cost per employee served. —Service quality, timeliness	—Attitude survey. —Workforce data. —Attitude survey/ focus groups.
b. GPRA	—Improved organizational performance.	—Other measures to be developed.	—As established.

[FR Doc. 97–4761 Filed 2–21–97; 1:08 pm]

BILLING CODE 6325–01–P

federal register

Tuesday
February 25, 1997

Part V

Department of Health and Human Services

Food and Drug Administration

Prescription Drug Products; Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96N–0492]

Prescription Drug Products; Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Commissioner of Food and Drugs (the Commissioner) has concluded that certain combined oral contraceptives containing ethinyl estradiol and norgestrel or levonorgestrel are safe and effective for use as postcoital emergency contraception, and requests submission of new drug applications (NDA's) for this use. This notice is intended to encourage manufacturers to make this additional contraceptive option available.

ADDRESSES: Submit NDA's to the Food and Drug Administration, Center for Drug Evaluation and Research, Central Document Room, 12229 Wilkins Ave., Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lisa D. Rarick, Center for Drug Evaluation and Research (HFD–580), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4260.

SUPPLEMENTARY INFORMATION:

I. Background

Combined oral contraceptives, which contain an estrogen and a progestin, were first approved in the United States in 1960 and in many other countries shortly thereafter. When taken daily for 3 weeks followed by a week without medication, these drugs provide effective contraception. They have become one of the most widely employed methods of pregnancy prevention, currently used by an estimated 11 million American women. In the period since the introduction of combined oral contraceptives, the amounts of estrogen and progestin have been reduced and explicit labeling guidance for safe use has been developed in response to extensive medical research. Consequently, combined oral contraceptives are now accepted as remarkably safe and effective when used as directed. There are more than 30 brands of FDA-approved oral contraceptives on the American market that contain estrogens and progestins. These products contain estrogens and progestins in different amounts and have some differences in labeling, but all are considered to be safe and effective.

For several decades, estrogens and progestins have also been used, either separately or in combination, to prevent pregnancy in women who have unprotected intercourse as a result of rape, contraceptive failure, or lack of planning. Such drugs, when used for this purpose, are known as emergency contraceptive pills, or postcoital pills, or morning-after pills.

The best researched regimen for emergency contraceptive pills was first described in 1974 by Professor A. Albert Yuzpe of Canada (Ref. 18). The regimen consists of two tablets, each tablet containing 0.05 milligram (mg) of ethinyl estradiol and 0.50 mg of norgestrel, taken within 72 hours after unprotected intercourse; a second identical dose is to be taken 12 hours after the first dose. When used in this manner, the treatment is 75 percent effective in preventing pregnancy.

This regimen and the very similar regimens described below are widely used. The specific regimen described by Yuzpe is approved for use by the drug regulatory agencies of the United Kingdom, Germany, Sweden, Switzerland, and New Zealand. The approved products used in this regimen contain ethinyl estradiol and, as the progestin, either norgestrel or levonorgestrel.

The Yuzpe regimen and similar regimens have been used extensively in the United States in the last two decades, even though no products are approved and labeled for this use. The drugs are prescribed by hospital emergency rooms, reproductive health clinics, and university health centers. They are also prescribed, although less widely, by physicians in private practice. On February 14, 1996, the Reproductive Health Technologies Project established a hotline number (1–800–584–9911) to inform women about this contraceptive method and about providers in their local area.

Since the United Kingdom approved emergency contraceptive pills in 1984, more than 4 million prescriptions have been recorded. However, the actual use is much greater because providers have found it less expensive to provide tablets of identical drugs taken from products packaged as combined oral contraceptives. The use of combined oral contraceptives for emergency contraception in the United States can only be estimated because they are not approved for this indication, but the results of a Kaiser Family Foundation survey reported at the June 28, 1996, meeting of FDA's Advisory Committee for Reproductive Health Drugs (the Advisory Committee) suggest that approximately 225,000 American women have used the method. A further indication of the extent of use is that over 25,000 calls were made to the hotline number (cited above) in the first 5 months of operation.

In November 1994, the Center for Reproductive Law & Policy filed a citizen petition asking FDA to require manufacturers of certain combined oral contraceptive products to amend their labeling and patient package inserts to include information regarding the use of these products for postcoital emergency contraception. Although FDA indicated that it had the authority to require that certain conditions of use be included in a product's labeling, it declined to exercise its discretion in this case to require the relabeling of these products for emergency contraception, and denied the petition. However, the agency decided to present the issue of the safety and effectiveness of combined oral contraceptives for postcoital emergency use to the Advisory Committee. The Advisory Committee met on June 28, 1996, to consider this issue and unanimously concluded that the four regimens below are safe and effective for postcoital emergency contraception. For the reasons described in section II. below, FDA agrees with this conclusion.

The four regimens for postcoital emergency contraception are as follows:

(1) For tablets that contain 0.05 mg of ethinyl estradiol and 0.50 mg of norgestrel, take 2 tablets within 72 hours after unprotected intercourse, then take 2 more tablets 12 hours after the first dose;

(2) For tablets that contain 0.03 mg of ethinyl estradiol and 0.30 mg of norgestrel, take 4 tablets within 72 hours after unprotected intercourse, then take 4 more tablets 12 hours after the first dose;

(3) For tablets that contain 0.03 mg of ethinyl estradiol and 0.15 of levonorgestrel, take 4 tablets within 72 hours after unprotected intercourse, then take 4 more tablets 12 hours after the first dose; and

(4) For tablets that contain 0.03 mg of ethinyl estradiol and 0.125 mg of levonorgestrel, take 4 tablets within 72 hours after unprotected intercourse, then take 4 more tablets 12 hours after the first dose.

The appendix to this notice provides information concerning the use of emergency contraceptive pills that might be useful to sponsors in drafting

physician and patient labeling for these products for this use.

II. Discussion

A. Safety

Experience with the approved products in Europe and New Zealand has demonstrated the regimens to be safe. At the Advisory Committee's June 28, 1996, meeting, Elizabeth Barden presented information from the British Medicines Control Agency that only six serious adverse reactions associated with these products for this use were reported to it from 1984 to 1996. Of these, only one occurred close enough to the time of administration to indicate that the reaction might be drug related.

Emergency contraceptive pills are not effective if the woman is pregnant; they act by delaying or inhibiting ovulation, and/or altering tubal transport of sperm and/or ova (thereby inhibiting fertilization), and/or altering the endometrium (thereby inhibiting implantation). Studies of combined oral contraceptives inadvertently taken early in pregnancy have not shown that the drugs have an adverse effect on the fetus, and warnings concerning such effects were removed from labeling several years ago. There is, therefore, no evidence that these drugs, taken in smaller total doses for a short period of time for emergency contraception, will have an adverse effect on an established pregnancy.

B. Effectiveness

There are numerous published articles that support the effectiveness of oral contraceptive pills for emergency use (Refs. 1, 3, 4, 7 through 14, 16 and 18 through 21). In 1996, Trussell, Ellertson, and Stewart reported a meta-analysis of 10 published articles on clinical trials of emergency contraceptive pills in which the number of pregnancies among women with regular menstrual cycles who used emergency contraception was compared to the expected number of pregnancies based on the cycle day of intercourse and published estimates of conception probabilities by cycle day (Ref. 9). Defining effectiveness as the percent reduction in the likelihood of pregnancy occurring, the authors found a range of effectiveness of 55.3 percent to 94.2 percent, with an average effectiveness of 74.0 percent. In other words, if 100 women have unprotected intercourse once during the second or third week of their menstrual cycle, about 8 will become pregnant, but if the same women use emergency contraception after intercourse, only 2 will become pregnant.

III. References

The following references have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Bagshaw, S. N., D. Edwards, and A. K. Tucker, ''Ethinyl Oestradiol and D-Norgestrel Is an Effective Emergency Postcoital Contraceptive: A Report of Its Use in 1,200 Patients in a Family Planning Clinic,'' *Australian and New Zealand Journal of Obstetrics and Gynecology,* 28:137–140, 1988.
2. Delbanco, S., ''1995 Kaiser Family Foundation Surveys on Emergency Contraceptive Pills: Knowledge and Attitudes among American Adults and Obstetrician/Gynecologists,'' Testimony before the FDA Reproductive Health Drugs Advisory Committee, June 28, 1996.
3. Fasoll, M., F. Parazzini, G. Cecchetti, and C. La Vecchia, ''Post-coital Contraception: An Overview of Published Studies,'' *Contraception,* 39:459–468, 1989.
4. Glasier, A., ''Postcoital Contraception,'' *Reproductive Medicine Review,* 2:75–84, 1993.
5. Glasier, A., et al., ''Mifepristone (RU486) Compared with High-Dose Estrogen and Progestogen for Postcoidal Emergency Contraception,'' *New England Journal of Medicine,* 327:1041–1044, 1992.
6. Haspels, A. A., and M. R. Van Santen, ''New Aspects in Post-coital Contraception,'' in ''Future Aspects in Contraception,'' edited by B. Runnebaum, T. Rabe, and L. Kiesel, MTP Press Limited, Boston, 1985.
7. Ho, P. C., and M. S. W. Kwan, ''A Prospective Randomized Comparison of Levonorgestrel with the Yuzpe Regimen in Post-coital Contraception,'' *Human Reproduction,* 8:389–392, 1993.
8. Percival-Smith, R. K. L., and B. Abercrombie, ''Postcoital Contraception with dl-Norgestrel/Ethinyl Estradiol Combination: Six Years Experience in a Student Medical Clinic,'' *Contraception,* 36:287–293, 1987.
9. Trussell, J., C. Ellertson, and F. Stewart, ''The Effectiveness of the Yuzpe Regimen of Emergency Contraception,'' *Family Planning Perspectives,* 28:58–87, 1996.
10. Trussell, J., and F. Stewart, ''The Effectiveness of Postcoital Hormonal Contraception,'' *Family Planning Perspectives,* 24:262–264, 1992.
11. Trussell, J., et al., ''Emergency Contraceptive Pills: A Simple Proposal to Reduce Unintended Pregnancies,'' *Family Planning Perspectives,* 24:269–273, 1992.
12. Tully, B., ''Postcoital Contraception—A Study,'' *British Journal of Family Planning,* 8:119–124, 1983.
13. Van Look, P. F. A., and H. von Hertzen, ''Emergency Contraception,'' *British Medical Bulletin,* 49:158–170, 1993.
14. Van Santen, M. R., and A. Haspels, ''Interception II: Postcoital Low-Dose Estrogens and Norgestrel Combination in 633 Women,'' *Contraception,* 31:275–293, 1985.
15. Webb, A., ''Safety and Medical Contraindications,'' in ''The Provision of Emergency Hormonal Contraception,'' edited by D. Paintin, ch. 4, RCOG Press, London, 1995.
16. Webb, A., J. Russell, and M. Elstein, ''Comparison of Yuzpe Regimen, Danazol, and Mifepristone (RU486) in Oral Postcoital Contraception,'' *British Medical Journal,* 305:927–931, 1992.
17. Webb, A., and D. Taberner, ''Clotting Factors After Emergency Contraception,'' *Advances in Contraception,* 9:75–82, 1993.
18. Yuzpe, A. A., et al., ''Post Coital Contraception—A Pilot Study,'' *Journal of Reproductive Medicine,* 13:53–58, 1974.
19. Yuzpe, A. A., R. Percival Smith, and A. Rademaker, ''A Multicenter Clinical Investigation Employing Ethinyl Estradiol Combined With dl-Norgestrel as a Postcoital Contraceptive Agent,'' *Fertility and Sterility,* 37:508–513, 1982.
20. Yuzpe, A. A., and W. J. Lancee, ''Ethinylestradiol and dl-Norgestrel as a Postcoital Contraceptive,'' *Fertility and Sterility,* 28:932–936, 1977.
21. Zuliani, G., U. F. Colombo, and R. Molla, ''Hormonal Postcoital Contraception with an Ethinylestradiol-Norgestrel Combination and Two Danazol Regimens,'' *European Journal of Obstetrics & Gynecology and Reproductive Biology,* 37:253–260, 1990.

IV. Conclusions

The Commissioner has concluded that combined oral contraceptives, taken initially within 72 hours of unprotected intercourse and providing a total of 0.10 or 0.12 mg of ethinyl estradiol and 0.50 or 0.60 mg of levonorgestrel in each of 2 doses separated by 12 hours, are safe and effective for use as postcoital emergency contraception. The Commissioner bases this conclusion on FDA's review of the published literature concerning this use (listed above), FDA's knowledge of the safety of combined oral contraceptives as currently labeled, and on the unanimous conclusion that these regimens are safe and effective made by the agency's Advisory Committee for Reproductive Health Drugs at its June 28, 1996, meeting. Because such combined oral contraceptives have not been labeled for this use or this dosage regimen, the Commissioner finds that these products are new drugs as defined in section 201(p)(1) and (p)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)(1) and (p)(2)). Accordingly, approved NDA's are required as a condition of marketing.

FDA is prepared to accept NDA's for combined oral contraceptives appropriately labeled for use as postcoital emergency contraception under section 505(b)(2) of the act (21 U.S.C. 355(b)(2)) and part 314 (21 CFR part 314). Because of the publicly available safety and effectiveness data documenting the drugs' use, the safety and effectiveness requirements of § 314.50 may be met by citing the

published literature listed in the references in section III. of this document. The Commissioner advises that it is unnecessary to submit copies and reprints of the data cited in section III. of this document. Both the safety and effectiveness data upon which the Commissioner bases the above conclusions and the minutes of the Advisory Committee meeting are on file for public inspection in the Dockets Management Branch (address above). The Commissioner invites applicants to submit any other pertinent studies and literature of which they are aware.

Dated: February 20, 1997.

David A. Kessler,

Commissioner of Food and Drugs.

Appendix

Use of Emergency Contraceptive Pills (ECP's)

ECP's consist of two doses of regular birth control pills containing estrogen and progestin. Taking ECP's provides a short, strong, burst of hormone exposure. Depending on where you are in your cycle and when you had unprotected intercourse, using ECP's may prevent ovulation, disrupt fertilization, or inhibit implantation of a fertilized egg in the uterus.

How To Use ECP's

The oral contraceptive pills that can be used as ECP's are listed below. Take only one type of pill, not all of them. For example, if you use Ovral, you do not need Nordette. If you are getting your ECP's from a regular pack of birth control pills containing 28 pills (1 for every day), remember that the last 7 (green or pink) pills do not contain any hormones.

Brand Name	Pill Color	Number of pills to swallow within 72 hours after unprotected sex	Number of pills to swallow 12 hours later
Ovral	white	2	2
Lo/Ovral	white	4	4
Nordette	light orange	4	4
Levlen	light orange	4	4
Triphasil	yellow	4	4
Tri-Levlen	yellow	4	4

1. Swallow the first dose no later than 72 hours after having unprotected sex. Remember that the second dose must be taken 12 hours after the first dose. Taking the first dose at 3 p.m. would mean taking the second dose at 3 a.m. So take the first dose at a time that will make it convenient to take the second dose 12 hours later.

2. Swallow the second dose 12 hours after taking the first dose. Do not swallow any extra ECP's. More pills will probably not decrease the risk of pregnancy any further and will increase the risk of nausea.

Side Effects of ECP's

About half the women who take ECP's have temporary nausea. It is usually mild and should stop in a day or so. The risk of nausea may be reduced if you take a long-acting nonprescription antinausea medicine (such as meclizine) 30 minutes to 1 hour before taking each of the two doses of ECP's. About 20 percent of women who take ECP's vomit. If you vomit within an hour after taking either dose of ECP's, call your clinician to discuss whether to repeat that dose or to take antinausea medicine.

Before Taking ECP's

If you think you might have gotten pregnant last month, see your clinician before taking ECP's. Early pregnancy symptoms can include breast tenderness, nausea, or a previous period that was not quite normal.

If you have a serious medical problem, talk to your clinician before using ECP's.

After Taking ECP's

Your next menstrual period may start a few days earlier or later than usual. If your period does not start within 3 weeks, see your clinician for an exam and pregnancy test. If ECP's fail, or if you were already pregnant when you took ECP's, the fetus would be exposed to hormones. Studies of women who continued to take birth control pills after they unknowingly became pregnant do not show any evidence of harm to the fetus.

ECP's may not prevent an ectopic pregnancy (in the tubes or abdomen). Ectopic pregnancy is a medical emergency. In ectopic pregnancies, spotting and cramping pain usually begin shortly after the first missed menstrual period. See your clinician immediately if you experience these symptoms.

After taking ECP's, get started as soon as you possibly can with a method of birth control you will be able to use every time you have sex. ECP's are meant for one-time, emergency protection. ECP's are not as effective as other forms of birth control. If you want to start or resume use of birth control pills after taking ECP's, consult your clinician. Protect yourself from Acquired Immune Deficiency Syndrome (AIDS) and other sexual infections as well as pregnancy. Use condoms every time you have sex if you think you may be at risk.

Source: Adapted (with permission) from Trussell, J., F. Stewart, F. Guest, and R. A. Hatcher, ''Emergency Contraceptive Pills: A Simple Proposal To Reduce Unintended Pregnancies,'' *Family Planning Perspectives*, 24:269–273, 1992.

[FR Doc. 97–4663 Filed 2–24–97; 8:45 am]

BILLING CODE 4160–01–F

Reader Aids

Federal Register

Vol. 62, No. 37

Tuesday, February 25, 1997

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–523–5227**

Laws

For additional information **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**

TDD for the hearing impaired **523–5229**

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. **202–275–0920**

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

4895–5138 3
5139–5292 4
5293–5518 5
5519–5740 6
5741–5902 7
5903–6098 10
6099–6442 11
6443–6702 12
6703–6850 13
6851–7132 14
7133–7334 18
7335–7654 19
7655–7920 20
7921–8154 21
8155–8360 24
8361–8612 25

CFR PARTS AFFECTED DURING FEBRUARY

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

Proclamations:
6970 5287
6971 5291
6972 6443

Executive Orders:
February 6, 1915 (Revoked by PLO 7239) 5244
May 4, 1918 (Revoked by PLO 7245) 7796
12961 (Continued by EO 13034) 5137
12982 (See Department of Defense Notice of February 11, 1997) 6593
13034 5137
13035 7131
13036 7653

5 CFR

Ch. LXI 6445
930 6448

Proposed Rules:
293 .....5174, 7298
351 .....5174, 7298
430 .....5174, 7298
531 .....5174, 7298
900 4940

7 CFR

5 8361
210 5519
226 5519
250 8361
319 5293
401 5903
433 6099
457 .....5903, 6099, 6703, 7133
704 .....7602, 7602
868 6705
905 7655
944 7655
966 .....6851, 7657
979 7659
984 6110
987 7660
1410 .....7602, 7602
Ch. XVII 6449
1710 .....7663, 7921
1755 7135

Proposed Rules:
354 6739
401 .....6134, 6739
457 .....6134, 6739
956 5933
980 6138
1496 6497
1710 7721

8 CFR

204 6707

9 CFR

78 5907
91 5520
94 5741
381 5131
391 6111

Proposed Rules:
201 5935
304 7950
308 7950
310 7950
320 7950
327 7950
381 7950
416 7950
417 7950

10 CFR

2 .....6664, 6672
40 .....6664, 6672
70 .....6664, 6672
71 5907
76 .....6664, 6672

Proposed Rules:
2 6672
40 6672
70 6672
73 7721
76 6672
430 .....5782, 7834, 8189
431 6888
835 .....5883, 8190
960 4941

12 CFR

4 6449
208 6449
304 4895
335 6852
337 6449
563 6449
701 5315
790 8155
792 8155
931 6860

Proposed Rules:
213 7363
226 5183
312 6139
328 6142
360 7725
650 8190

13 CFR

121 .....6453, 6454

Proposed Rules:
107 6147
121 6499

14 CFR

23 7922
33 7335
39 ....4899, 4900, 4902, 4904, 4906, 4908, 5143, 5145, 5742, 5743, 5744, 5746, 5748, 5752, 5753, 6455, 6457, 6459, 6499, 6502, 6504, 6708, 6861, 7152, 7339, 7340, 7343, 7665, 7667, 7669, 7671, 7924, 7926, 7928, 7930, 7932, 7934, 8156, 8159, 8161, 8367, 8408
71 ....5147, 5148, 5149, 5150, 5755, 5756, 5757, 6461, 6462, 6463, 6464, 6465, 6506, 6507, 6508, 6698, 6710, 6864, 6865, 7344, 7345, 7346, 7347, 7348, 7671, 7672, 7674, 8085, 8162, 8410
73 7349
91 7674
97 ....5151, 5154, 6711, 6712, 6714
119 7674
121 7674
135 7674
217 6715
241 6715
383 6719
1217 6466

Proposed Rules:

21 5076
23 ....5552, 7950
25 5076
39 ....4941, 4944, 5186, 5350, 5783, 5785, 5787, 6455, 6457, 6459, 6749, 6888, 6890, 6892, 7180, 7182, 7184, 7373, 7375, 7377, 7378, 7380, 7382, 7384, 7385, 7387, 7727, 7729, 7730, 7731, 8196, 8198, 8408
71 ....5074, 5188, 5194, 5195, 5937, 5938, 5939, 6461, 6462, 6463, 6464, 6465, 6698, 6747, 6748, 6864, 6865, 7389, 7733, 7734, 7735, 7736, 7737, 7739, 7740, 7741, 8410
91 5076
119 ....5076, 7299
121 5076
125 5076
135 ....5076, 5788
300 5094
302 5094

15 CFR

738 6682
740 6682
770 6682
772 6682
744 ....4910, 6682

16 CFR

305 5316
423 5724
1507 4910

17 CFR

1 7675
15 6122
18 6122
19 6122
210 6044
228 6044
229 6044
239 6044
240 ....6044, 6468, 6469, 6474
249 6044
250 7900
259 7900
404 7153

Proposed Rules:

230 7186

18 CFR

157 5913
284 5521

Proposed Rules:

153 5940

19 CFR

101 6721

20 CFR

404 ....6114, 6408
416 6408

Proposed Rules:

718 8201
722 8201
725 8201
726 8201
727 8201

21 CFR

131 8163
133 8263
173 ....7678, 8312
178 6721
341 6866
510 6723
520 ....5318, 5319, 5525, 6723, 8370, 8371
522 ....5319, 5526, 8371
529 8372
558 ....8372, 8373
1309 5914
1310 5914
1313 5914

Proposed Rules:

Ch. I 5700, 7390
808 ....7390, 7395

23 CFR

627 6866
630 6869
635 6869
771 6869

24 CFR

18 6096

25 CFR

Proposed Rules:

40 7395
290 7742

26 CFR

1 ....6874, 7155, 8086
20 7156
602 6874

Proposed Rules:

1 ....5355, 6749, 8086
20 7188

27 CFR

47 8374
55 8374

Proposed Rules:

5 7742
7 7742
47 8412
55 8412

28 CFR

512 6660

29 CFR

24 6690
215 6090
220 6090
401 6090
402 6090
403 6090
404 6090
405 6090
406 6090
408 6090
409 6090
417 6090
451 6090
452 6090
453 6090
457 6090
458 6090
459 6090
Ch. V 6690
825 6690
1904 6434
1977 6690
4044 6874

Proposed Rules:

520 7094
521 7094
522 7094
523 7094
527 7094

30 CFR

250 ....5320, 5329, 7298
936 6041

Proposed Rules:

56 5554
57 5554
62 5554
70 5554
71 5554
206 ....5355, 7189, 7965
208 ....5355, 7189, 7965
251 6149
914 ....7189, 7192
943 7965

31 CFR

Proposed Rules:

500 6896
505 6896
515 6896

32 CFR

220 8378
255 5332
340 5332
723 8166

Proposed Rules:

175 7966
247 4947
286 7398

33 CFR

100 ....7936, 8378
117 ....5155, 6468, 6875
165 ....5157, 5526, 8378
330 6877
404 5917
407 5917

Proposed Rules:

100 ....7969, 7970
154 5356
155 5356
181 7971

34 CFR

350 5712
351 5712
352 5712
353 5712
355 5712
357 5712
360 5712
361 6308
363 6308
376 6308
379 5684
380 6308

36 CFR

Proposed Rules:

223 5949
668 7334

38 CFR

3 5528
17 6121
36 5530

Proposed Rules:

3 8201
4 ....8201, 8204

40 CFR

51 8314
52 ....6126, 6127, 6129, 6619, 6724, 7157, 7160, 7163, 8170, 8171, 8314, 8380, 8383, 8385
58 6728
60 ....6619, 8314
61 8314
63 7937
70 7939
80 7164
81 8389
180 ....4911, 5333, 6486, 7679, 7941
260 6486
261 ....6486, 7684
262 6486
263 6486
264 6486
265 6486
266 6486
268 7502
270 6486
721 5157

Proposed Rules:

50 ....7743, 7977
51 7743
52 ....5357, 5361, 5555, 6159, 6160, 6750, 7193, 7194, 8205, 8412, 8413
53 7743
58 7743
63 ....5074, 7977
70 7977
72 5370
73 5370
74 5370

75 5370
77 5370
78 5370
80 7197
81 ....5555, 7194, 8414
85 6366
89 6366
92 6366
180 ....5370, 6750
185 6750
186 6750
300 ....5949, 5950
721 ....5196, 6160

41 CFR

Ch. 301 6041
301–7 6878
301–8 6878
301–11 6878
302-11 8173
Proposed Rules:
Ch. 60 6690

42 CFR

100 7685
410 7945
415 7945
1008 7350
Proposed Rules:
68a 5953

43 CFR

4700 5338
Proposed Rules:
418 7201
426 7431
3400 6910
3410 6910
3420 6910
3440 6910
3450 6910
3460 6910
3470 6910
3480 6910
3500 5373
3510 5373
3520 5373
3530 5373
3540 5373
3550 5373
3560 5373
3570 5373
6300 7203
8560 7203

44 CFR

61 8391
64 ....4915, 5534, 8176
65 ....5734, 6878, 6880
67 6883
70 5734
72 5734
73 6886
Proposed Rules:
67 6910
206 5957

46 CFR

199 7360
349 5158
502 6132
510 6132
Proposed Rules:
10 5197
12 5197
15 5197

47 CFR

Ch. I 7690
0 8400
1 ....4917, 5757
25 5924
43 ....5160, 5535
53 5074
61 5757
63 5160
64 ....5160, 5535
65 5160
73 ....5339, 5778, 6887, 8178
74 ....4920, 5339
76 6491
78 4920
90 7362
101 4920
Proposed Rules:
Ch. I 7744, 8414
25 4959
26 4959
36 ....5373, 5957
51 ....5373, 5957
61 ....5373, 5957
63 4965
69 ....5373, 5957
73 ....4959, 5788, 5789, 5790, 5791, 6926, 6927, 6928, 6929, 7203, 7980, 7981, 7982, 7983, 7984
76 ....4959, 7203
95 7431
100 4959

48 CFR

Ch. I 6619
212 5779
225 5779
244 5779
252 5779
570 5166
1552 5347
Proposed Rules:
225 7432

49 CFR

31 6719
171 76380
193 8402
199 7946
544 8206
578 5167
1142 5170
1186 5171
1310 5171
Proposed Rules:
192 7985
195 7985
223 8330
239 8330
383 6753
391 6753
395 6161
541 7987
571 7858
Ch. XI 5792
1111 6508
1136 ....8209, 8209

50 CFR

17 ....4925, 5542, 6930
20 6729
217 ....6729, 7947
222 ....6729, 7947
648 8404
Ch. VI 8178
679 ....5781, 6132, 7168, 7947, 7948, 8179, 8188, 8406, 8407
Proposed Rules:
17 ....5199, 5560, 6930, 8417
229 6931
424 6934
648 ....5375, 7991
660 5792
679 7993
697 ....6935, 7993

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 TODAY

AGRICULTURE DEPARTMENT
Food and Consumer Service
Food stamp program:
Retail and wholesale food concerns; applicant-provided information sharing with other Federal and State agencies; published 12-27-96

AGRICULTURE DEPARTMENT
Parity price determinations:
''Wool and mohair'' and ''sugar crops''; definition update; published 2-25-97

FEDERAL COMMUNICATIONS COMMISSION
Organization, functions, and authority delegations:
Cable Services Bureau; published 2-25-97

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Animal drugs, feeds, and related products:
New drug applications--
Bambermycins; published 2-25-97
Lufenuron suspension and tablets; published 2-25-97
Melengestrol acetate, monensin, and tylosin; published 2-25-97
Monensin feed blocks; correction; published 2-25-97
Progesterone and estradiol benzoate ear implant; published 2-25-97
Sulfadimethoxine oral solution; published 2-25-97
Salicylic acid; published 2-25-97

INTERIOR DEPARTMENT
Indian Affairs Bureau
Tribal-State Compacts approval; Class III (casino) gambling:
Burns-Paiute Tribe, OR; published 2-25-97

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airtell International, Inc.; published 1-21-97

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
Cotton and research promotion order:
Import assessment exemptions; automatic provisions adjustment; comments due by 3-3-97; published 1-31-97
Eggs and egg products and poultry and rabbit products; inspection and grading:
Fees and charges increase; comments due by 3-3-97; published 1-31-97

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Exportation and importation of animals and animal products:
Exotic Newcastle Disease; disease status change--
Costa Rica; comments due by 3-3-97; published 12-31-96
Pork and pork products from Mexico transiting United States; comments due by 3-3-97; published 12-31-96

AGRICULTURE DEPARTMENT
Federal Crop Insurance Corporation
Crop insurance regulations:
Hybrid corn seed; comments due by 3-3-97; published 1-2-97

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery conservation and management:
Northeastern United States fisheries--
Summer flounder, scup, and black sea bass; comments due by 3-7-97; published 2-5-97

DEFENSE DEPARTMENT
Acquisition regulations:
Independent research and development/bid and proposal costs for 1996 FY and beyond; comments due by 3-4-97; published 1-3-97
Federal Acquisition Regulation (FAR):
Automatic data processing equipment leasing costs; comments due by 3-3-97; published 12-31-96
Contract cost principles and procedures; foreign differential pay; comments due by 3-3-97; published 12-31-96
Contract modifications; comments due by 3-3-97; published 12-31-96
Contractor personnel compensation; comments due by 3-3-97; published 1-2-97
Year 2000 procurement issues; awareness and compliance; comments due by 3-3-97; published 1-2-97

ENVIRONMENTAL PROTECTION AGENCY
Air programs:
Ambient air quality standards, national--
Sulfur oxide (sulfur dioxide); comments due by 3-3-97; published 1-2-97
Air quality implementation plans; approval and promulgation; various States:
Colorado; comments due by 3-3-97; published 1-30-97
Delaware; comments due by 3-7-97; published 2-5-97
Massachusetts; comments due by 3-3-97; published 1-30-97
Toxic substances:
Significant new uses--
Aliphatic ester; comments due by 3-6-97; published 2-4-97

FEDERAL COMMUNICATIONS COMMISSION
Radio stations; table of assignments:
Tennessee; comments due by 3-3-97; published 1-30-97
Texas; comments due by 3-3-97; published 1-17-97

GENERAL SERVICES ADMINISTRATION
Federal Acquisition Regulation (FAR):
Contractor personnel compensation; comments due by 3-3-97; published 1-2-97
Year 2000 procurement issues; awareness and compliance; comments due by 3-3-97; published 1-2-97

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Human drugs:
Vaginal contraceptive products (OTC); comments due by 3-4-97; published 12-19-96
Medical devices:
Radiology devices; proposed classification--
Medical image management; comments due by 3-3-97; published 12-2-96

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Fair housing:
Residential real estate-related lending transactions and compliance with FairHousing Act; lender-initiated self-testing; comments due by 3-3-97; published 1-31-97

INTERIOR DEPARTMENT
Land Management Bureau
Land resource management:
Management, use, and protection of public lands
Criminal law enforcement provisions; consolidation; comments due by 3-7-97; published 1-17-97
Minerals management:
Leasing of solid minerals other than coal and oil shale; Federal regulatory review; comments due by 3-7-97; published 2-5-97

INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Alexander Archipelago wolf and Queen Charlotte goshawk; status review; comments due by 3-5-97; published 2-14-97
Chinese Camp brodiaea, etc. (ten plants from foothills of Sierra Nevada Mountains); comments due by 3-6-97; published 2-4-97

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office
Permanent program and abandoned mine land reclamation plan submissions:
Maryland; comments due by 3-3-97; published 1-30-97
Pennsylvania; comments due by 3-3-97; published 1-30-97

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Federal Acquisition Regulation (FAR):

Contractor personnel compensation; comments due by 3-3-97; published 1-2-97

Year 2000 procurement issues; awareness and compliance; comments due by 3-3-97; published 1-2-97

PERSONNEL MANAGEMENT OFFICE

Intergovernmental Personnel Act programs:

Personnel administration; merit system standards; comments due by 3-5-97; published 2-3-97

SOCIAL SECURITY ADMINISTRATION

Supplemental security income and social security benefits:

Aged, blind, and disabled, and Federal old age, survivors and disability insurance--

Claimant representatives; conflict of interests; comments due by 3-4-97; published 1-3-97

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carrier certification and operations:

Single-engine aircraft; commercial passenger-carrying operations under instrument flight rules

Extension of comment period; comments due by 3-3-97; published 2-7-97

Air craft and air traffic operating and flight rules, etc.:

Domestic, flag, supplemental commuter, and on-demand operations-

Editorial corrections; comments due by 3-5-97; published 2-3-97

Airworthiness directives:

Airbus; comments due by 3-4-97; published 1-27-97

Boeing; comments due by 3-3-97; published 1-2-97

Cessna; comments due by 3-7-97; published 1-6-97

Construcciones Aeronauticas, S.A.; comments due by 3-3-97; published 1-27-97

Fairchild; comments due by 3-6-97; published 1-17-97

Short Brothers plc; comments due by 3-7-97; published 1-27-97

Williams International, L.L.C.; comments due by 3-7-97; published 1-6-97

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Dual fueled electric passenger automobiles; minimum driving range; comments due by 3-4-97; published 1-3-97

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcoholic beverages:

Distilled spirits, wine, and malt beverages; labeling and advertising--

Margarita; use of term; comments due by 3-7-97; published 2-20-97

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Depreciation alocations; recapture among partners in a partnership; comments due by 3-6-97; published 12-12-96