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Monday
March 3, 1997

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WHEN: March 18, 1997 at 9:00 am

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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.

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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.

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Presidential Documents

Title 3—

The President

Order of February 26, 1997

Designation Under Executive Order 12958

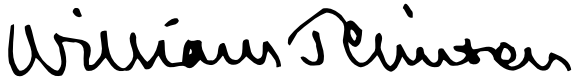
Pursuant to the provisions of section 1.4 of Executive Order 12958 of April 17, 1995, entitled ''Classified National Security Information,'' I hereby designate the following additional official to classify information originally as ''Top Secret'':

The Chair, President's Commission on Critical Infrastructure Protection.

The Chair of the President's Commission on Critical Infrastructure Protection, established under Executive Order 13010 of July 15, 1996, shall exercise the authority to classify information originally as ''Top Secret'' during the existence of the Commission.

Any delegation of this authority shall be in accordance with section 1.4(c) of Executive Order 12958.

This order shall be published in the Federal Register.



THE WHITE HOUSE,
February 26, 1997.

[FR Doc. 97–5308
Filed 2–28–97; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Farm Service Agency

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

7 CFR Parts 1910, 1941, 1943, 1945, and 1980

RIN 0560–AE87

Implementation of the Direct and Guaranteed Loan Making Provisions of the Federal Agricultural Improvement Act of 1996

AGENCY: Farm Service Agency, Rural Housing Service, Rural Business-Cooperative Service, and Rural Utilities Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This action is being taken to implement provisions of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act), which affect the making of direct and guaranteed farm credit program loans of the Farm Service Agency (FSA), formerly administered by the Farmers Home Administration (FmHA). This action is required by the 1996 Act, provisions of which were effective upon enactment or 90 days after enactment. The intended effect is to complement provisions of the 1996 Act and improve FSA's direct and guaranteed farm credit loan making function.

DATES: Effective March 24, 1997. Comments must be submitted by May 2, 1997.

ADDRESSES: Submit written comments to the Director, Farm Credit Programs Loan Making Division, Farm Service Agency, Stop 0522, Post Office Box 2415, Washington, D.C. 20013–2415.

FOR FURTHER INFORMATION CONTACT: Steven R. Bazzell, Senior Loan Officer, Farm Service Agency. Telephone: 202–720–3889; facsimile: 202–690–1117; or e-mail: sbazzell@wdc.fsa.usda.gov

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule was determined significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule since the Farm Service Agency (FSA) is not required by 5 U.S.C. 553, or any other provision of law, to publish a notice of proposed rulemaking to effect these administrative changes. See section 663(d) of the 1966 Act.

The Unfunded Mandate Reform Act of 1995

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA) Pub. L. 104–4, established requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, FSA generally must prepare a written statement, including a cost-benefit analysis, for the proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objective of the rule.

This rule contains no Federal mandates (under regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of section 202 and 205 of the UMRA.

Environmental Evaluation

This action has no significant impact on the quality of the environment, and therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. In accordance with this rule, (1) all State and local laws and regulations that are in conflict with this rule will be preempted, (2) no retroactive effect will be given to this rule, and (3) administrative proceedings in accordance with the agency procedures, or those regulations published by the Department of Agriculture to implement the provisions of the National Appeals Division as mandated by the Department of Agriculture Reorganization Act of 1994 (7 CFR parts 11 and 780), must be exhausted before bringing suit in court challenging action taken under this rule, unless those regulations specifically allow bringing suit at an earlier time.

For reasons set forth in the Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) the programs within this rule are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Paperwork Reduction Act

This interim rule does not impose any new information collection or recordkeeping requirements; however, the provisions of the 1996 Act do eliminate the need for some information previously collected and result in a revision to the number of estimated respondents from whom information will be collected. Therefore, the Agency is revising the information collection currently approved in support of the Direct Farm Ownership Loan program regulations under the Office of Management and Budget (OMB) control number 0560–0157 and the Application for Direct Loan Assistance under OMB control number 0560–1067. The Agency will publish a Federal Register notice in the near future requesting comments for a 60-day period regarding revisions resulting from the 1996 Act; increases or decreases in program activity; and, changes to the estimated responses per respondent and estimated average hours per response. OMB emergency clearance has been obtained to allow continued use of the affected regulations and forms under OMB control number 0560–0173.

Discussion of the Interim Rule

The 1996 Act required certain provisions to be implemented no later

than 90 days from April 4, 1996, the date of enactment. Section 374 of the Consolidated Farm and Rural Development Act (CONACT) as added by section 649 of the 1996 Act, requires streamlined compliance certifications for applicants and borrowers. Implementation of this section does not require a regulatory change; instead, the Agency will revise the loan application to implement section 374. The other specific changes to the loan making provisions of the FSA farm credit programs are discussed by loan program as follows:

Operating Loan (OL) Program

Subject to the limitations discussed below in the ''transition rule,'' the 1996 Act restricts direct OL eligibility to farmers and ranchers who meet the definition of a beginning farmer or rancher, but who have operated a farm or ranch for 5 year or less, or who have not previously received direct OL loans in more than 6 different years, and who have not had a CONACT debt forgiven through a write down or write off under section 353 of the CONACT, a compromise, adjustment, reduction, or charge-off of a debt or claim under section 331 of the CONACT, payment of a loss on a guaranteed loan under section 357 of the CONACT, or through the discharge of any portion of a debt as a result of bankruptcy. This restriction applies to all parties who have executed a promissory note. The 1996 Act did stipulate that borrowers who obtained a write-down on a direct or guaranteed loan under section 353 of the CONACT would remain eligible for direct and guaranteed OL loans to pay farm and ranch annual operating expenses, which includes family subsistence expenses. A transition rule provides that if on April 4, 1996, a farmer or rancher had received direct OL loans in 4 or more previous years, the applicant is eligible for new direct OL loans for 3 additional years. The 4 or more previous years' OL loans may have been received in non-consecutive years. The new direct OL loans may also be made to the applicant in non-consecutive years. The loan repayment term and the time that a loan is outstanding are not considerations. In establishing the 5 years of experience, the 1996 Act specifically states that Rural Youth loans do not qualify as the operation of a farm or ranch. However, the Agency has never considered the recipient of a Youth Loan as a farm operator for establishing experience levels and this provision represents no change in regulatory procedures. The 1996 Act does specifically state that Youth Loans do not count against the recipient with regard to the OL eligibility time limits. A minor clarification has been added to state that Youth Loan purposes may be broader than regular operating loan purposes. For direct and guaranteed OL loans, the 1996 Act has changed the definition of a beginning farmer to eliminate the restriction that applicants may not own farm or ranch property that is greater than 25 percent of the median farm size. Direct OL loan purposes have been narrowed to eliminate non-farm enterprise, recreation, pollution abatement and control, small business, and solar energy as explicit loan purposes. The special beginning farmer or rancher operating loan assistance provisions have been removed because sections 318 and 310F of the CONACT were repealed by the 1996 Act. In addition, the prior statutory provision that required the Agency to extend additional direct annual operating loans to borrowers in default on loans with the Agency has been effectively eliminated. Debt refinancing under the direct OL loan program is still an eligible loan purpose but is now restricted under the 1996 Act, as follows: Applicants are eligible for refinancing with direct OL funds providing they have had direct or guaranteed OL loans refinanced 4 times or less, and they meet one of the following two conditions: (1) The applicant is an existing direct loan borrower who has suffered a qualifying loss because of a disaster declared by the President or designated by the Secretary, or (2) is an applicant refinancing a debt owed to a non-USDA creditor. The direct loan borrower referred to in (1) above may be indebted for any type of direct loan under the CONACT. The restriction on the number of times that OL loans may be refinanced will have little impact since the Agency very rarely ''refinances'' its own loans, which involves obtaining a new promissory note and obligating new funds. A lender who refinances a borrower's direct OL loan with an Agency loan guarantee will receive a 95-percent guarantee on the total unpaid amount of the direct loan refinanced. Borrowers participating in Agency's down payment farm ownership loan program will also receive 95-percent guarantees on their guaranteed FO or OL loans. The 1996 Act directs the Agency to use the current definition of war found in 38 U.S.C. section 101(12) to determine eligibility for veteran's preference. This change makes veterans of the Persian Gulf War eligible for preferential funding when there is a shortage of funds. Farmers and ranchers must comply with the catastrophic risk protection insurance (CAT) requirement by either obtaining at least the CAT coverage level on economically significant crops, or waiving their eligibility for emergency crop loss assistance in connection with the uninsured crop. However, FSA direct emergency (EM) loss loan assistance is not considered emergency crop loss assistance for the purposes of implementing this statutory provision. In addition, chattel property acquired with direct OL loans must be covered by general hazard insurance at the tax or cost depreciated value of the property, whichever is less. Real estate serving as primary security must also be covered by insurance in accordance with 7 CFR part 1806, subpart A. A transition provision in section 2002 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 authorizes making and guaranteeing OL and EM loans as in effect prior to the date of enactment of the 1996 Act to a loan applicant less than 90-days delinquent on that date that had already submitted an application for the loan.

Farm Ownership (FO) Program

The 1996 Act restricts direct FO eligibility to an applicant who has at least 3 years experience operating a farm or ranch and who either (1) meets the Agency's regulatory definition of a beginning farmer or rancher, or (2) has never received a direct FO loan, or (3) has not had a direct FO loan outstanding for more than 10 years before the new direct FO loan would be closed. In establishing the 3 years of experience, the 1996 Act specifically states that rural Youth loans do not qualify as the operation of a farm or ranch. However, as with the direct OL loan program, this is not a departure from previous Agency regulations on establishing experience levels. The 1996 Act contains a transition rule for existing borrowers, which allows (1) borrowers who, on April 4, 1996, the date of enactment of the 1996 Act, had a direct FO loan outstanding for less than 5 years to receive additional direct FO loans for 10 more years from April 4, 1996; and (2) 5 additional years for borrowers who had a direct FO loan outstanding for 5 or more years on April 4, 1996. The 1996 Act has changed the definition of a beginning farmer to raise the maximum amount of farm or ranch property that may be owned from 15 to 25 percent of the median farm size in which the property is located. However, the Agency will continue to use the mean rather than the median farm size in this definition since median farm sizes are unavailable in the Census of Agriculture. The scope of direct FO loan

purposes has been reduced by eliminating debt refinancing, pollution abatement and control, non-farm enterprises, non-fossil energy systems, and recreation uses and facilities as explicit loan purposes. Guaranteed FO loan purposes mirror the changes in the direct FO program, with the exception that refinancing remains as eligible guaranteed FO loan purpose. In fact, the 1996 Act provides a 95-percent, as opposed to the normal 90-percent maximum, guarantee of unpaid principal and interest when the loan purpose is to refinance direct loan debts owned to the Agency. Hazard insurance is required by the 1996 Act as a direct FO loan condition. The FO applicant must provide evidence that hazard insurance has been obtained on any real estate improvements securing an FO loan. Farmers and ranchers must also comply with the catastrophic risk protection insurance (CAT) requirement by either obtaining at least the CAT coverage level on economically significant crops, or waiving their eligibility for emergency crop loss assistance in connection with the uninsured crop. FSA direct emergency (EM) loss loan assistance is not considered emergency crop loss assistance for the purposes of implementing this statutory provision. The 1996 Act allows the Agency to provide a four percent minimum interest rate to direct FO borrowers who obtain at least 50 percent of their real estate financing needs from a private creditor, with or without an FSA loan guarantee. The Agency's regulations establish a minimum of four percent in accordance with the 1996 Act, with the intention that the Agency will adjust the rate periodically to reflect budgetary constraints and overall demand for direct FO loan funds. The 1996 Act stipulates that the Agency use the current definition of war found in 38 U.S.C. section 101(12) to determine eligibility for veteran's preference. This extends preferential treatment to veterans of the Persian Gulf war when there is a shortage of funds. Guaranteed FO loans made to eligible applicants participating in the Down payment Loan program will have their loans guaranteed at the rate of 95 percent.

Emergency (EM) Loan Program

Rather than the previous statutory requirement for crop insurance to have covered crops affected by a disaster as a result of which an EM loan is sought, hazard insurance now must have covered property on which a farmer or rancher is seeking an EM physical loss loan. The minimum level of coverage must have been at the tax or cost depreciated value, whichever is less. Farmers and ranchers must also comply with the catastrophic risk protection insurance (CAT) requirement by either obtaining at least the CAT coverage level on economically significant crops, or waiving their eligibility for emergency crop loss assistance in connection with the uninsured crop. FSA direct EM loss loan assistance is not considered emergency crop loss assistance for the purposes of implementing this statutory provision. The test for credit threshold has been reduced from $300,000 to $100,00, which requires applicants with EM requests of greater than $100,000 to apply at a minimum of three commercial lenders to ensure that private credit, with or without an FSA loan guarantee, is unavailable. The maximum level of EM principal indebtedness has been reduced from $500,000 per qualified natural disaster to a total outstanding principal indebtedness of $500,000 per borrower. The financing of non-farm enterprises is no longer an eligible EM loan purpose. The procedure for appraising an EM applicant's agricultural assets to establish the security value has been changed. The Agency was previously required to use the higher of two market values for collateral valuation purposes. The first appraisal reflected the market value of the property 1 day before the State Governor's request to the Secretary for an EM disaster designation, while the second value reflected the market value 1 year and 1 day before the State Governor's request to the Secretary. The Agency will now use the market value 1 day before the first day of the disaster's incidence period.

List of Subjects

7 CFR Part 1910

Application processing, Loan programs-agriculture.

7 CFR Part 1941 and 1943

Applicant eligibility, Beginning farmers and ranchers, Loan programs-agriculture.

7 CFR Part 1945

Disaster assistance, Loan programs-agriculture.

7 CFR Part 1980

Beginning farmers and ranchers, Loan guarantees, Loan programs-agriculture.

For the reasons set forth in the preamble, 7 CFR chapter XVIII is amended as follows:

PART 1910—GENERAL

1. The authority citation for part 1910 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; and 42 U.S.C. 1480.

Subpart A—Receiving and Processing Applications

§ 1910.1 [Amended]

2. Section 1910.1 is amended by removing the last sentence of paragraph (a).

§ 1910.3 [Amended]

3. Section 1910.3 is amended in paragraph (c) by:

a. Removing the third sentence; and

b. Removing the words ''type entity as set out in FmHA loan making regulations'' in the ninth sentence.

§ 1910.4 [Amended]

4. Section 1910.4 is amended by:

a. Removing paragraph (b)(19);

b. Redesignating paragraphs (b)(20) through (b)(23) as (b)(19) through (b)(22), respectively; and

c. Removing the words ''and the Acquisition/Leasing of Agency Acquired Farmland'' from the title and from the first sentence of paragraph (f).

5. Section 1910.10 is amended by revising paragraph (a)(1) to read as follows:

§ 1910.10 Preference.

(a) * * *

(1) Veteran's preference is given to any person applying for an RH, FO, SW, or OL loan who has been honorably discharged, including clemency discharges, or released from the active forces of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, and who served during a period of war, as defined in 38 U.S.C. 101(12).

* * * * *

PART 1941—OPERATING LOANS

6. The authority citation for part 1941 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

§ 1941.4 [Amended]

7. Section 1941.4 is amended by:

a. Adding the words ''Except for OL loan purposes,'' at the beginning of paragraph (e) in the definition of ''Beginning farmer or rancher,''

b. Removing the number ''15'' and adding the number ''25'' in its place in the first sentence of paragraph (e) of the definition of ''Beginning farmer or rancher,''

c. Removing the third sentence from the definition of ''Cosigner;''

d. Removing the words ''and nonfarm'' from the introductory text of paragraph (d) of the definition of a ''Family farm,''

e. Removing the second sentence from the definition of a ''Farm;''

f. Removing all of the text before the semi-colon that follows the word ''debts'' in paragraph (b) of the definition of a ''Feasible plan;''

g. Removing the third sentence from the definition of a ''Financially viable operation;''

h. Removing the second sentence from the definition of ''Nonfarm enterprise''; and

i. Removing the definition of a ''Recreation enterprise.''

8. Section 1941.12 is amended by adding new paragraphs (a)(8), (a)(9), (a)(10), (a)(11), (b)(9), (b)(10), (b)(11), and (b)(12) to read as follows:

§ 1941.12 Eligibility requirements.

* * * * *

(a) * * *

(8) Meet the definition of a beginning farmer or rancher, but have operated a farm or ranch for 5 years or less, or the applicant, or anyone who will execute the promissory note, has not had direct OL loans closed in more than 6 different years prior to the year in which the new direct OL loan is closed. Youth Loans are not counted as direct OL loans for the purpose of this paragraph.

(9) *Transition rule.* An applicant is eligible for new direct OL loans for 3 additional years if as of April 4, 1996, the applicant, or anyone who will execute the promissory note, had direct OL loans closed in 4 or more separate years prior to the year in which the new direct OL loan is closed. The 4 previous years' direct OL loans, as well as the 3 additional years of new direct OL loans, may be in non-consecutive years.

(10) Have not caused the Agency a loss by receiving debt forgiveness on all or a portion of any direct or guaranteed loan made under the authority of the Consolidated Farm and Rural Development Act (CONACT) by debt-write down, write-off, compromise under the provisions of section 331 of the CONACT, adjustment, reduction, charge-off or discharge in bankruptcy or through any payment of a guaranteed loss claim under the same circumstances. Notwithstanding the restrictive provisions of this paragraph, applicants who received a write-down under section 353 of the CONACT may receive direct and guaranteed OL loans to pay annual farm and ranch operating expenses, which includes family subsistence if the applicant meets all other eligibility requirements.

(11) Not be delinquent on any direct or guaranteed loan made under the provisions of the CONACT. Notwithstanding the provisions of this paragraph, an operating loan may be made or guaranteed under the provisions of subtitle B of the CONACT as in effect on April 3, 1996, if the applicant was less than 90-days delinquent on April 4, 1996, and had submitted an application prior to April 5, 1996.

(b) * * *

(9) Have at least one member of the business entity who meets the definition of a beginning farmer or rancher, but has operated a farm or ranch for 5 years or less. Also, the applicant, or anyone who will execute the promissory note, must not have had direct OL loans closed in more than 6 different years prior to the year in which the new direct OL loan is closed. Youth Loans are not counted as direct OL loans for the purpose of this paragraph.

(10) *Transition rule.* An applicant is eligible for new direct OL loans for 3 additional years if as of April 4, 1996, the applicant, or anyone who will execute the promissory note, had direct OL loans closed in 4 or more separate years prior to the year in which the new direct OL is closed. The 4 previous years' OL loans, as well as the 3 additional years of new direct OL loans, may be in non-consecutive years.

(11) Have not caused the Agency a loss by receiving debt forgiveness on all or a portion of any direct or guaranteed loan made under the authority of the Consolidated Farm and Rural Development Act (CONACT) by debt-write down, write-off, compromise under the provisions of section 331 of the CONACT, adjustment, reduction, charge-off or discharge in bankruptcy or through any payment of a guaranteed loss claim under the same circumstances. Notwithstanding the restrictive provisions of this paragraph, applicants who received a write-down under section 353 of the CONACT may receive direct and guaranteed OL loans to pay annual farm and ranch operating expenses, which includes family subsistence if the applicant meets all other eligibility requirements.

(12) Not be delinquent on any direct or guaranteed loan made under the provisions of the CONACT. Notwithstanding the provisions of this paragraph, an operating loan may be made or guaranteed under the provisions of subtitle B of the CONACT as in effect on April 3, 1996, if the applicant was less than 90-days delinquent on April 4, 1996, and had submitted an application prior to April 5, 1996.

* * * * *

§§ 1941.14 and 1941.15 [Removed and Reserved]

9. Sections 1941.14 and 1941.15 are removed and reserved.

10. Section 1941.16 is revised to read as follows:

§ 1941.16 Loan purposes.

An applicant who obtained a write-down under direct or guaranteed loan authorities is restricted to the purposes listed under paragraphs (c), (g) and (h) of this section. All other eligible applicants may only request OL funds for any of the following purposes:

(a) Payment of costs associated with reorganizing a farm or ranch to improve its profitability.

(b) Purchase of livestock, including poultry, and farm or ranch equipment, including quotas and bases, and cooperative stock for credit, production, processing or marketing purposes.

(c) Payment of annual operating expenses, examples of which include, but are not exclusively limited to feed, seed, fertilizer, pesticides, farm or ranch supplies, cooperative stock, and cash rent.

(d) Payment of costs associated with land and water development for conservation or use purposes.

(e) Payment of loan closing costs.

(f) Payment of costs associated with complying with Federal or State-approved standards under the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 667). This purpose is limited to applicants who demonstrate that compliance with the standards will cause them substantial economic injury.

(g) Payment of training costs required or recommended by the Agency.

(h) Payment of farm, ranch, or home needs, including family subsistence. A portion of the loan is available to the borrower for use outside of a supervised bank account. This portion is the lesser of:

(1) 10 percent of the OL loan;

(2) $5,000; or

(3) The amount needed to meet the subsistence needs of the family for a 3-month period.

(i) Refinancing debts if the applicant has had direct or guaranteed OL loans refinanced (refinanced does not mean restructured) 4 times or less and one of the following conditions is met:

(1) The need for refinancing was caused by a qualifying disaster declared by the President or designated by the Secretary; or

(2) The debts to be refinanced are owned to a non-USDA creditor.

§ 1941.17 [Amended]

11. Section 1941.17 is amended by removing paragraphs (a) and (f), and by

redesignating paragraphs (b) through (e) as (a) through (d), respectively.

12. Section 1941.32 is revised to read as follows:

§ 1941.32 Catastrophic Risk Protection (CAT) insurance requirement.

Applicants must comply with the CAT insurance requirement no later than loan closing by either:

(1) Obtaining at least the CAT level of coverage, if available, for each crop of economic significance as defined by the Federal Crop Insurance Corporation, or,

(2) By waiving eligibility of emergency crop loss assistance in connection with the uninsured crop. FSA emergency (EM) loss loan assistance is not considered emergency crop loss assistance for the purpose of the crop insurance waiver on the uninsured crop.

Subpart B—Closing Loans Secured by Chattels

13. Section 1941.88 is amended by:

a. Removing the introductory text;

b. Removing paragraph (c);

c. Redesignating paragraph (a) and (b) as (b) and (c), respectively;

d. Amending paragraph (d) by removing all of the text between the words ''Borrowers'' and ''should'' located in the first sentence; and

e. Adding a new paragraph (a); and revising redesignated paragraph (c) to read as follows:

§ 1941.88 Insurance.

(a) *Catastrophic Risk Protection (CAT) insurance requirement.* Applicants must obtain at least the CAT level of crop insurance of coverage for each crop of economic significance, as defined by the Federal Crop Insurance Corporation, if such coverage is offered. The applicant can meet this requirement by either:

(1) Obtaining at least the CAT level of coverage or,

(2) Waiving eligibility for emergency crop loss assistance in connection with the uninsured crop. EM loss loan assistance is not considered emergency crop loss assistance for purposes of this waiver.

* * * * *

(c) *Chattels and real estate.* Chattel property that secures OL loans must be covered by hazard insurance unless the Agency determines that coverage is not readily available or the benefit of the coverage is more than its cost. When insured, chattel property must at least be covered at its tax or cost depreciated value, whichever is less. Real property must be covered by general hazard and flood insurance in accordance with subparts A and B of part 1806 of this chapter.

* * * * *

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

14. The authority citation for part 1943 continues to read as follows:

Authority: 5 U.S.C. 301; and 7 U.S.C. 1989.

Subpart A—Direct Farm Ownership Loan Policies, Procedures and Authorizations

§ 1943.4 [Amended]

15. Section 1943.4 is amended by:

a. Removing ''A beginning farmer'' and adding ''Except for OL loan purposes, a beginning farmer'' in its place at the beginning of paragraph (e) of the definition of ''Beginning farmer or rancher;''

b. Removing the number ''15'' and adding the number ''25'' in its place in the first sentence of paragraph (e) of the definition of ''Beginning farmer or rancher;''

c. Removing the third sentence from the definition of ''Cosigner;''

d. Removing the words ''and nonfarm'' from the introductory text of paragraph (d) of the definition of a ''Family farm.''

e. Removing the second sentence from the definition of ''Farm.''

f. Removing all the text to the end of the sentence following the word ''debts'' in paragraph (b) of the definition of a ''Feasible plan;'' and

g. Removing the second sentence of the definition of ''Nonfarm enterprise.''

16. Section 1943.12 is amended by:

a. Removing the words ''and operating'' and the parenthetical text ''(1 year's complete production and marketing cycle within the last 5 years)'' from paragraph (a)(3);

b. Removing the words ''and operating'' and the parenthetical text ''(1 year's complete production and marketing cycle within the last 5 years)'' from paragraph (b)(4)(ii); and

c. Adding new paragraphs (a)(8), (a)(9), (a)(10), (a)(11), (b)(8), (b)(9), (b)(10) and (b)(11) to read as follows:

§ 1943.12 Farm ownership loan eligibility requirements.

* * * * *

(a) * * *

(8) Have operated a farm or ranch for at least 3 years and satisfy at least one of the following conditions:

(i) Meet the definition of a beginning farmer or rancher.

(ii) The applicant, or anyone who will execute the promissory note, has not had direct FO loans outstanding for more than a total of 10 years prior to the date that the new FO loan is closed.

(iii) Have never received a direct FO loan.

(9) *Transition rule.* This applies to applicants with direct FO loans outstanding on April 4, 1996.

(i) If the applicant, or anyone who executed the promissory note, had direct FO loans outstanding for less than 5 years, the applicant is eligible for new direct FO loans through April 4, 2006.

(ii) If the applicant, or anyone who executed the promissory note, had direct FO loans outstanding for 5 years or more, those parties are eligible for new direct FO loans through April 4, 2001.

(10) Have not caused the Agency a loss by receiving debt forgiveness on all or a portion of any direct or guaranteed loan made under the authority of the Consolidated Farm and Rural Development Act (CONACT) by debt-write down, write-off, compromise provisions of section 331 of the CONACT, adjustment, reduction, charge-off or discharge in bankruptcy or through any payment of a guaranteed loss claim under the same circumstances.

(11) Not be delinquent on any direct or guaranteed loan made under the provisions of the CONACT.

(b) * * *

(8) Have one or more members, constituting a majority interest in the business entity, who have operated a farm or ranch for at least 3 years and who satisfy one of the following conditions:

(i) Meet the definition of a beginning farmer or rancher.

(ii) The applicant, or anyone who will execute the promissory note, has not had direct FO loans outstanding for more than a total of 10 years prior to the date that the new FO loan is closed.

(iii) Have never received a direct FO loan.

(9) *Transition rule.* This applies to business entity applicants with direct FO loans outstanding on April 4, 1996.

(i) If the applicant, or anyone who executed the promissory note, had direct FO loans outstanding for less than 5 years, the applicant is eligible for new direct FO loans through April 4, 2006.

(ii) If the applicant, or anyone who executed the promissory note, had direct FO loans outstanding for 5 years or more, those parties are eligible for new direct FO loans through April 4, 2001.

(10) Have not caused the Agency a loss by receiving debt forgiveness on all or a portion of any direct or guaranteed loan made under the authority of the Consolidated Farm and Rural Development Act (CONACT) by debt-write down, write-off, compromise provisions of section 331 of the CONACT, adjustment, reduction, charge-off or discharge in bankruptcy or through any payment of a guaranteed loss claim under the same circumstances.

(11) Not be delinquent on any direct or guaranteed loan made under the provisions of the CONACT.

* * * * *

17–18. Section 1943.16 is revised to read as follows:

§ 1943.16 Loan purposes.

Loan funds may only be used to:

(a) Acquire or enlarge a farm or ranch. Examples of items that the Agency may authorize the use of FO funds for include, but are not limited to, the purchase of easements, the applicant's portion of land being subdivided, purchase of cooperative stock, appraisal and survey fees, and participation in special FO loan programs of this subpart. Down payments are authorized as a loan purpose subject to the following:

(1) A deed is obtained and the transaction is properly documented by debt and security instruments.

(2) Any prior liens meet the FO security requirements for the Agency's junior lien position.

(3) For contract purchases, purchase contracts must properly obligate the buyer and seller to fulfill the terms of the contract, provide the buyer with possession, control and beneficial use of the property, and entitle the buyer to marketable title upon fulfillment of the contract terms. The deed must be held in trust by a bonded agent until transferred to the buyer. Upon buyer's default, the seller must give the Agency written notice of the default and a reasonable opportunity to cure the default. Any sums advanced by the Agency must be repaid by the borrower.

(b) Make capital improvements. Examples of items that the Agency may authorize the use of FO funds for include, but are not limited to, the construction, purchase and improvement of farm dwellings, service buildings, and facilities that can be made fixtures to the real estate.

(c) Promote soil and water conservation and protection. Examples include the correction of well-defined, hazardous environmental conditions, and the construction or installation of tiles, terraces, and waterways.

(d) Pay closing costs.

§ 1943.17 [Amended]

19. Section 1943.17 is amended by removing paragraphs (a)(4) and (a)(5).

20. Section 1943.18 is amended by revising paragraph (b)(2) and adding a new paragraph (c) to read as follows:

§ 1943.18 Rates and terms.

* * * * *

(b) * * *

(2) The farm business plan shows that installments at the higher rate, along with other debts, cannot be paid during the period of the plan.

* * * * *

(c) *Interest rate with joint financing.* When the applicant obtains financing from a private lender equivalent to 50 percent or more of the total funds needed, the interest rate on the direct FO loan will be fixed at a rate determined by the Agency Administrator but at not less than 4 percent for the term of the loan. The current rate is available in FSA offices.

§ 1943.19 [Amended]

21. Section 1943.19 is amended by:

a. Removing the word ''refinanced'' from the first sentence in paragraphs (a)(1) and (d)(3); and

b. Removing the words ''or refinanced'' from the first sentence in paragraph (b)(1).

§ 1943.23 [Amended]

22. Section 1943.23 is amended by:

a. Removing the words ''or nonfarm enterprise'' from the first sentence of paragraph (g)(1); and

b. Removing paragraphs (g)(3) and (g)(4).

23. Section 1943.24 is amended by:

a. Removing the words ''nonfarm enterprise facility or'' from the third sentence of paragraph (a);

b. Removing the words '', including any nonfarm enterprise,'' from the first sentence in paragraph (b)(1);

c. Removing paragraph (b)(1)(iv);

d. Removing the words ''and any nonfarm enterprise'' from the first sentence of paragraph (c);

e. Removing paragraph (d)(3) and (d)(4);

f. Redesignating paragraph (d)(2) as (d)(3);

g. Removing paragraph (f);

h. Redesignating paragraphs (g) through (k) as (f) through (j), respectively; and

i. Revising paragraph (d)(1) and adding a new paragraph (d)(2) to read as follows:

§ 1943.24 Special requirements.

* * * * *

(d) * * *

(1) Insurance must be obtained on any property acquired with, or serving as primary security on an FO loan in accordance with subpart A of part 1806 of this chapter.

(2) Applicants must comply with the catastrophic risk protection insurance (CAT) requirement by either:

(i) Obtaining at least the available CAT level of coverage for each crop of economic significance, as defined by the Federal Crop Insurance Corporation, or

(ii) Waiving eligibility for emergency crop loss assistance in connection with the uninsured crop. FSA emergency (EM) loss loan assistance is not considered emergency crop loss assistance for the purpose of the crop insurance waiver on the uninsured crop.

* * * * *

24. Section 1943.25 is amended by revising paragraph (b) to read as follows:

§ 1943.25 Options planning and appraisals.

* * * * *

(b) Farm business plans will be completed as provided in subpart B of part 1924.

* * * * *

25. Section 1943.54 is amended by removing the third sentence from the definition of ''Cosigner.''

PART 1945—EMERGENCY

26. The authority citation for part 1945 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989, and 42 U.S.C. 1480.

§ 1945.154 [Amended]

27. Section 1945.154 is amended by removing the third sentence from the definition of ''Cosigner,'' and by removing the second sentence from the definition of a ''Nonfarm enterprise.''

§ 1945.156 [Amended]

28. Section 1945.156 is amended by removing ''$300,000'' from paragraphs (b)(2)(i) introductory text and (b)(2)(ii) introductory text and adding ''$100,000'' in its place.

29. Section 1945.162 is amended by:

a. Redesignating paragraphs (a) through (m) as paragraphs (b) through (n), respectively; and

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

§ 1945.162 Eligibility requirements.

* * * * *

(a) *Debt forgiveness.* EM applicants are ineligible if they have caused the Agency a loss by receiving debt forgiveness on all or a portion of any direct or guaranteed loan made under the authority of the Consolidated Farm and Rural Development Act (CONACT) by debt-write down, write-off, compromise provisions of section 331 of the CONACT, adjustment, reduction, charge-off or discharge in bankruptcy or through any payment of a guaranteed loss claim under the same circumstances. Further, the EM applicant must not be delinquent on any direct or guaranteed loan made under the provisions of the CONACT.

* * * * *

30. Section 1945.163 is amended by revising paragraph (e) to read as follows:

§ 1945.163 Determining qualifying losses, eligibility for EM loan(s) and the maximum amount of each.

* * * * *

(e) *EM loan limit.* The loan will be limited to the amount necessary to restore the farm to its pre-disaster condition; however, this amount cannot exceed the lesser of the sum of the maximum production loss (paragraph (a)(2)(x) of this section) and the maximum physical loss (paragraph (b) of this section) or $500,000 total outstanding EM debt per borrower. The maximum principal amount of total EM debt that any one individual, business entity, or individual member of a business entity may have outstanding is $500,000.

* * * * *

§ 1945.166 [Amended]

31. Section 1945.166 is amended by:

a. Removing the comma after the word ''family'' in the first sentence of paragraph (a)(1) and adding the word ''and'' in its place;

b. Removing the comma after the word ''farm'' in the first sentence of paragraph (a)(1) and adding the word ''credit'' in its place;

c. Removing the phrase ''and non-farm enterprise credit, whichever is the lesser'' in the first sentence of paragraph(a)(1);

d. Removing the entire second sentence of paragraph (a)(1);

e. Removing the paragraph (b)(5); and

f. Removing paragraph (c)(3) and redesignating paragraph (c)(4) as (c)(3).

32. Section 1945.167 is amended by:

a. Revising the section heading;

b. Removing paragraphs (a) and (i);

c. Redesignating the remaining paragraphs as (c) through (j), respectively and;

d. Adding new paragraphs (a) and (b) to read as follows:

§ 1945.167 Insurance, loan limitations and special provisions.

(a) EM loan funds cannot be used for physical loss purposes unless that physical property lost was covered by general hazard insurance at the time that the damage caused by the natural disaster occurred. The level of coverage in effect at the time of the disaster must have been the tax or cost depreciated value, whichever is less. Chattel property must also have been covered at the tax or cost depreciated value, whichever is less, when such insurance was readily available.

(b) Applicants must comply with the CAT insurance requirement no later than loan closing by either:

(1) Obtaining at least the CAT level of coverage, if available, for each crop of economic significance as defined by the Federal Crop Insurance Corporation, or,

(2) By waiving eligibility for emergency crop loss assistance in connection with the uninsured crop. FSA EM loan assistance is not considered emergency crop loss assistance for the purpose of the crop insurance waiver on the uninsured crop.

* * * * *

33. Section 1945.169 is amended by revising paragraph (1) to read as follows:

§ 1945.169 Security.

* * * * *

(1) Crop insurance. If crop insurance is obtained, an assignment of indemnity is required. When payment of the insurance premium is not required until after harvest, crops may be released to make the payment. If a loss claim is paid to the borrower, the premium will be first deducted by the insurance carrier before making security releases.

* * * * *

34. Section 1945.175 is amended by:

a. removing paragraph (c)(3);

b. redesignating paragraph (c)(4) as paragraph (c)(3); and

c. revising paragraph (c)(2) and (c)(3) to read as follows:

§ 1945.175 Options, planning and appraisals.

* * * * *

(c) * * *

(2) The appraised value of assets securing EM loans is established as of the day before the beginning of the incidence period of the qualifying disaster.

(3) Chattel appraisals will be completed on Form FmHA 1945–15, ''Value Determination Worksheet (EM loans only),'' when chattels are taken as security. The property which will serve as security will be described in sufficient detail so it can be identified. Sources such as livestock market reports and publications reflecting values of farm machinery and equipment will be used as appropriate. Chattels owned by the applicant, and nonfarm chattel property offered as security (such as planes, house trailers, boats, etc.) will be appraised at the present market value only. Chattels that the applicant/borrowers did not own on the dates set forth in paragraphs (c)(2) (i) and (ii) of this section will be appraised at the present market value only.

* * * * *

PART 1980—GENERAL

35. The authority citation for part 1980 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; and 42 U.S.C. 1480.

Subpart A—General

§ 1980.20 [Amended]

36. Section 1980.20 is amended in the introductory text of paragraph (a) by adding ''The Farm Service Agency loan guarantee limit is 90 percent unless otherwise stated in subpart B of this part.'' after the fourth sentence.

37. Section 1980.106 is amended in paragraph (b) by:

a. Adding the words ''Except for OL loans,'' to the beginning of paragraph (5) of the definition of a ''Beginning farmer or rancher;''

b. Removing the number ''15'' and adding the number ''25'' in its place in the first sentence of paragraph (5) of the definition of a ''Beginning farmer or rancher;''

c. Removing the third sentence from the definition of ''Cosigner;''

d. Removing the second sentence of the definition of ''Nonfarm enterprise;'' and

e. Revising the definition of ''Veteran'' to read as follows:

§ 1980.106 Abbreviations and definitions.

* * * * *

(b) * * *

Veteran. One who has been honorably discharged, including clemency discharges, or release from the active forces of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, and who served during a period of war, as defined in 38 U.S.C. 101(12).

38. Section 1980.108 is amended by revising paragraph (a)(3)(ii) to read as follows:

§ 1980.108 General provisions.

(a) * * *

(3) * * *

(ii) Applicants must either:

(1) Obtain at least the CAT level of crop insurance coverage, if available, for each crop of economic significance, as defined by the Federal Crop Insurance Corporation, or,

(2) Waive eligibility for emergency crop loss assistance in connection with the uninsured crop. FSA EM loss loan assistance is not considered emergency crop loss assistance for purposes of this waiver.

* * * * *

39. Section 1980.119 is amended by revising paragraph (d) to read as follows:

§ 1980.119 Lender's sale or assignment of guaranteed loan.

* * * * *

(d) *Retention of unguaranteed portion of loan.* Lenders must retain at least 10 percent of the loan from the unguaranteed portion, except that when the loan guarantee exceeds 90 percent,

lender must retain the total unguaranteed portion of the loan.

* * * * *

40. Section 1980.174 is added to read as follows:

§ 1980.174 Percentage of guarantee.

(a) A 95-percent loan guarantee will be provided in the following situations:

(1) When the sole loan purpose of a guaranteed OL or FO loan is to refinance a direct FSA farm credit program loan.

(2) When the purpose of an FO loan guarantee is to participate in the down payment loan program.

(3) When a guaranteed OL is made to a farmer or rancher who is participating in the down payment loan program. The guaranteed OL must be made during the period that a borrower has a direct FO loan outstanding for acquiring a farm or ranch.

(4) When a guaranteed OL or FO loan is requested for multiple purposes and only a portion of the loan is used to refinance a direct FSA farm credit program loan, in which case a weighted percentage of guarantee is provided.

(b) Guarantees issued to CLP lenders are never at a guarantee rate of less than 80 percent.

41–43. Section 1980.175 is amended by:

a. Revising introductory text of paragraph (b);

b. Removing paragraph (d)(7);

c. Redesignating paragraphs (d)(2) through (d)(6) as (d)(3) through (d)(7), respectively;

d. Revising paragraphs (c)(1), (c)(2) and (d)(1); and adding a new paragraph (d)(2); and

e. Removing all the words between ''Borrowers'' and ''should'' in the first sentence of paragraph (i)(3); to read as follows:

§ 1980.175 Operating loans.

* * * * *

(b) The applicant, and anyone who will execute the promissory note, has not caused the Agency a loss by receiving debt forgiveness on all or a portion of any direct or guranteed loan made under the authority of the Consolidated Farm and Rural Development Act (CONACT) by debt write-down, write-off, compromise under the provisions of section 331 of the CONACT, adjustment, reduction, charge-off or discharge in bankruptcy or through any payment of a guaranteed loss claim under the same circumstances. Notwithstanding the restrictive provisions of this paragraph, applicants who received a write-down under section 353 of the CONACT may receive direct and guaranteed OL loans to pay annual farm and ranch operating expenses, which includes family subsistence if the applicant meets all other eligibility requirements. Further, the applicant, and anyone who will execute the promissory note, cannot be delinquent on any direct or guaranteed loan made under the provisions of the CONACT. Notwithstanding the provisions of this paragraph, an operating loan may be made or guaranteed under the provisions of subtitle B of the CONACT as in effect on April 3, 1996, if the applicant was less than 90-days delinquent on April 4, 1996, and had submitted an application prior to April 5, 1996.

* * * * *

(c) *Loan purposes*—(1) *Loan note guarantee.* Loan funds may only be used for the following purposes:

(i) Payment of costs associated with reorganizing a farm or ranch to improve its profitability.

(ii) Purchase of livestock, including poultry, and farm or ranch equipment, including quotas and bases, and cooperative stock for credit, production, processing or marketing purposes.

(iii) Payment of annual farm or ranch operating expenses, examples of which include feed, seed, fertilizer, pesticides, farm or ranch supplies, cash rent, family subsistence, and other farm and ranch needs.

(iv) Payment of costs associated with land and water development for conservation or use purposes.

(v) Refinancing indebtedness incurred for any authorized OL loan purpose, when the lender and loan applicant can demonstrate the need to refinance.

(vi) Payment of loan closing costs.

(vii) Payment of costs associated with complying with Federal or State-approved standards under the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 29 U.S.C. 667). This purpose is limited to applicants who demonstrate that compliance with the standards will cause them substantial economic injury.

(viii) Payment of training costs required or recommended by the approval official.

(2) *Contract of guarantee—line of credit.* Lines of credit may be advanced for the following purposes:

(i) Payment of annual operating expenses, family subsistence, and purchase of feeder animals.

(ii) Payment of current annual operating debts advanced by other creditors. Under no circumstances can carry-over operating debts be refinanced.

(d) Loan limitations. (1) No applicant or any individual who executes a promissory note may receive an additional guaranteed OL if a combination of guaranteed or direct OL loans were received (closed) in more than 15 previous years. *Transition rule:* If a borrower was indebted for a direct or guaranteed OL loan on October 28, 1992, and had any combination of direct or guaranteed OL loans closed in 10 or more prior calendar years, eligibility to receive new guaranteed OL loans is extended for 5 additional years from October 28, 1992, and the years need not run consecutively. However, in the case of a line of credit, each year in which an advance is made after October 28, 1992, counts toward the 5 additional years.

(2) Real estate improvements and repairs can be made only when the loan applicant owns the property, or the loan applicant has a lease that either ensures use of the improvement or repair over its useful life or provides fair compensation for the unused economic life.

* * * * *

§ 1980.176 [Removed and Reserved]

44. Section 1980.176 is removed and reserved.

45. Section 1980.180 is amended by removing paragraphs (d)(4) and (d)(5); and by revising paragraph (c) to read as follows:

§ 1980.180 Farm ownership loans.

* * * * *.

(c) Loans are authorized only to:

(1) Acquire or enlarge a farm or ranch. Examples of items that the Agency may authorize the use of FO funds for include, but are not limited to, providing down payments, purchasing easements or the loan applicant's portion of land being subdivided, and participating in special FO loan programs of this subpart. In the case of a contract purchase, purchase contracts must properly obligate the buyer and seller to fulfill the terms of the contract, provide the buyer with possession, control and beneficial use of the property, and entitle the buyer to marketable title upon fulfillment of the contract terms. The deed must be held in trust by a bonded agent until transferred to the buyer. Upon buyer's default, seller must give the Agency written notice of the default and a reasonable opportunity to cure the default. Any sums advanced by the Agency must be repaid by the borrower.

(2) Make capital improvements provided the loan applicant owns the farm, 0r has either a lease to ensure use of the improvement over its useful life or that compensation will be received for any remaining economic life. Examples of items that the Agency may

authorize the use of FO funds for include, but are not limited to, the construction, purchase, and improvement of farm dwellings, service buildings and facilities that can be made fixtures to the real estate.

(3) Promote soil and water conservation and protection. Examples include the correction of well-defined, hazardous environmental conditions, and the construction or installation of tiles, terraces and waterways.

(4) Pay closing costs, including but not limited to purchasing stock in a cooperative, and appraisal and survey fees.

(5) Refinancing indebtedness incurred for authorized loan purposes, provided the lender and loan applicant demonstrate the need to refinance the debt.

* * * * *

Signed at Washington, D.C., on February 19, 1997.

Dallas R. Smith,

Acting Under Secretary for Farm and Foreign Agricultural Services.

Jill Long Thompson,

Under Secretary for Rural Development.

[FR Doc. 97–4840 Filed 2–28–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–32–AD; Amendment 39–9952; AD 97–05–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 727 series airplanes. This action requires repetitive pre-modification inspections to detect cracks in the forward support fitting of the number 1 and number 3 engines; and repair, if necessary. This AD also provides for an optional high frequency eddy current (HFEC) inspection, and, if possible, modification of the fastener holes; and various follow-on actions. Accomplishment of these optional actions would constitute terminating action for the repetitive pre-modification inspections. This amendment is prompted by reports indicating that fatigue cracks were found in the forward support fitting of the number 1 and number 3 engines. The actions specified in this AD are intended to detect and correct such fatigue cracking, which could result in failure of the support fitting and consequent separation of the engine from the airplane.

DATES: Effective March 18, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1997.

Comments for inclusion in the Rules Docket must be received on or before May 2, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–32–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter Sippel, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2774; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received several reports of cracks found in the forward support fitting of the number 1 and number 3 engines on Boeing Model 727 series airplanes. In two of these incidents, the cracks emanated from the large fastener holes next to the side of the fuselage. In a third incident, a fitting was cracked almost completely through. In other incidents, cracks were found at a small distance inboard from the fuselage side. The cracking has been attributed to fatigue, which was caused by corrosion pitting damage on the surfaces of the fastener holes in the fittings. These conditions, if not detected and corrected in a timely manner, could result in failure of the support fitting and consequent separation of the engine from the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 727–54A0010, Revision 4, dated January 30, 1997, which describes the following procedures:

1. Performing repetitive visual inspections to detect cracks of the upper and lower flanges, and the vertical web of the forward support fitting of the number 1 and number 3 engines;

2. Performing repetitive high frequency eddy current (HFEC) inspections to detect cracks of the forward flange of the support fitting adjacent to the collars of two fasteners of the number 1 and number 3 engines;

3. Performing repetitive detail visual inspections to detect cracks of the upper and lower flanges adjacent to six fasteners of the number 1 and number 3 engines;

4. Repairing the cracked forward support fitting; and

5. Performing a HFEC inspection to detect cracks of the fastener holes in the forward support fitting of the number 1 and number 3 engines, and, if possible, modification of the fastener holes; and various follow-on actions. (These follow-on actions include installation of fasteners, repetitive HFEC inspections, and repair of cracked forward support fittings.) The modification involves oversizing the fastener holes until the HFEC does not detect any cracks. Accomplishment of this HFEC inspection, modification, and follow-on actions will eliminate the need for the repetitive pre-modification inspections, as described in items 1 though 3.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 727 series airplanes of the same type design, this AD is being issued to detect and correct fatigue cracking of the forward support fitting, which could result in failure of the support fitting and consequent separation of the engine from the airplane. This AD requires repetitive pre-modification inspections to detect cracks of the forward support fitting of the number 1 and number 3 engines; and repair, if necessary. This AD also provides for an optional HFEC inspection, and, if possible, modification of the fastener holes; and various follow-on actions. Accomplishment of these optional actions constitutes terminating action for the repetitive pre-modification inspections. The actions are required to be accomplished in accordance with the service bulletin described previously.

Differences Between the AD and the Relevant Service Information

Operators should note that, although the service bulletin specifies that the manufacturer must be contacted for disposition of certain conditions, this AD requires the repair of those conditions to be accomplished in accordance with method approved by the FAA.

Interim Action

This AD is considered interim action. The FAA is considering further rulemaking action to supersede this AD to require an HFEC inspection to detect cracks of the fastener holes in the forward support fitting of the number 1 and number 3 engines, and, if possible, modification of the fastener holes; and various follow-on actions. Accomplishment of these actions will constitute terminating action for the repetitive pre-modification inspections required by this AD action. However, the FAA's planned compliance time for these actions is sufficiently long so that prior notice and time for public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–32–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

97–05–08 BOEING: Amendment 39–9952. Docket 97–NM–32–AD.

Applicability: All Model 727 series airplanes, 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 detect and correct fatigue cracking, which could result in failure of the support fitting and consequent separation of the engine from the airplane, accomplish the following:

(a) Within 100 days or within 600 flight cycles after the effective date of this AD, whichever occur first, accomplish paragraph (a)(1), (a)(2), and (a)(3) of this AD, in accordance with Boeing Service Bulletin 727–54A0010, Revision 4, dated January 30, 1997.

(1) Perform a visual inspection to detect cracks of the upper and lower flanges, and the vertical web of the forward support fitting of the number 1 and number 3 engines, in accordance with Part 1—Pre-Modification Inspections of the Accomplishment Instructions of the service bulletin.

(2) Perform a high frequency eddy current (HFEC) inspection to detect cracks of the forward flange of the support fitting adjacent to the collars of two fasteners of the number 1 and number 3 engines, in accordance with Part 1—Pre-Modification Inspections of the Accomplishment Instructions of the service bulletin.

(3) Perform a detailed visual inspection to detect cracks of the upper and lower flanges adjacent to six fasteners of the number 1 and number 3 engines, in accordance with Part 1—Pre-Modification Inspections of the Accomplishment Instructions of the service bulletin.

(b) If no crack is detected during the inspections required by paragraph (a) of this AD, repeat those inspections thereafter at intervals not to exceed 100 days or 600 flight cycles, whichever occurs first.

(c) If any crack is detected during any inspection required by paragraph (a) of this AD, prior to further flight, repair the forward support fitting in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(d) Accomplishment of the actions specified in paragraphs (d)(1) and (d)(2) of this AD in accordance with Boeing Service Bulletin 727–54A0010, Revision 4, dated January 30, 1997, constitutes terminating action for the requirements of paragraphs (a) and (b) of this AD.

(1) Perform a HFEC inspection to detect cracks of the fastener holes in the forward support fitting of the number 1 and number 3 engines, and, if possible, modify the fastener holes, in accordance with Part II—Fastener Hole Modification of the Accomplishment Instructions of the service bulletin.

(i) If the modification (i.e., a fastener installed in a hole with no cracks) was accomplished at all eight holes, no further action is required by paragraph (d)(1) of this AD.

(ii) If the modification was not accomplished at all eight holes because of the continued detection of cracking, prior to further flight, repair the forward support fitting in accordance with a method approved by the Manager, Seattle ACO.

(2) Prior to the accumulation of 3,000 flight cycles or 24 months, whichever occurs first, following accomplishment of paragraph (d)(1) of this AD, perform a HFEC inspection to detect corrosion or cracks of the modified forward support fitting of the number 1 and number 3 engines, in accordance with Part III—Post-Modification Inspections of the Accomplishment Instructions of the service bulletin.

(i) If no crack or corrosion is detected, prior to further flight, install the fasteners wet with a sealant in accordance with the service bulletin. Repeat the HFEC inspection required by paragraph (d)(2) of this AD thereafter at intervals not to exceed 3,000 flight cycles or 24 months, whichever occurs first.

(ii) If any crack or corrosion is detected, prior to further flight, repair the forward support fitting in accordance with a method approved by the Manager, Seattle ACO.

(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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(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.

(g) The inspections and modifications shall be done in accordance with Boeing Service Bulletin 727–54A0010, Revision 4, dated January 30, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite700, Washington, DC.

(h) This amendment becomes effective on March 18, 1997.

Issued in Renton, Washington, on February 21, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–4947 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–SW–17–AD; Amendment 39–9950; AD 97–05–06]

RIN 2120–AA64

Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, and TH–55A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269A–2, and 269B helicopters, that currently requires initial and repetitive inspections of the main rotor thrust bearing (bearing) for bearing rotational roughness, corrosion, inadequate lubrication, physical damage, or excessive zinc chromate paste or moisture. This amendment requires the same initial and repetitive inspections required by the existing AD, but would extend the retirement life for certain bearings, and would remove the Model 269A–2 helicopter from, and add the Model TH–55A helicopters to the applicability of this AD. This amendment is prompted by an FAA analysis of service information issued by the manufacturer that extends the retirement life for certain bearings. The actions specified by this AD are intended to prevent failure of the bearing, loss of the main rotor, and subsequent loss of control of the helicopter.

DATES: Effective April 7, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 7, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. This information may be examined at the FAA, Office of the Assistant Chief Counsel, Room 663, 2601 Meacham Blvd., Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Ray O'Neill, Aerospace Engineer, Airframe and Propulsion Branch, New York Aircraft Certification Office, FAA, New England Region, 10 5th Street, Valley Stream, New York 11581, telephone (516) 256–7505, fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 68–21–05, Amendment 39–672 (33 FR 15543, October 19, 1968), which is applicable to Model 269A helicopters, serial numbers (S/N) 0011 through 0979 (except Model TH–55A helicopters), Model 269A–1 helicopters, S/N 0001 through 0041, Model 269A–2 helicopter, S/N 0001, and Model 269B, S/N 0001 through 0370, as revised by Amendment 39–1055 (35 FR 12532, August 6, 1970), was published in the Federal Register on June 17, 1996 (61 FR 30548). That action proposed to require the same initial and repetitive inspections required by the existing AD (inspections of the main rotor thrust bearing (bearing) for bearing rotational roughness, corrosion, inadequate lubrication, physical damage, or excessive zinc chromate paste or moisture), but would extend the retirement life for certain bearings, and would remove the Model 269A–2 helicopter from, and add the Model TH–55A helicopters to the applicability of this AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except for editorial changes and changes to paragraph (a) that more specifically state the actions that are required for those bearings having less than 300 hours time-in-service. The FAA has determined that these changes will neither increase the economic burden on any operator nor expand the scope of the AD.

The FAA estimates that 500 helicopters of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per helicopter to accomplish the required

actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,890 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,185,000.

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

For the reasons discussed above, I certify that this action (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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. App. 106(g), 40113, and 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–1055 (35 FR 12532, August 6, 1970), and Amendment 39–672 (33 FR 15543, October 19, 1968) and by adding a new airworthiness directive (AD), Amendment 39–9950, to read as follows:

AD 97–05–06 SCHWEIZER AIRCRAFT CORPORATION AND HUGHES HELICOPTERS, INC.: Amendment 39–9950. Docket No. 94–SW–17–AD. Supersedes AD 68–21–05, Amendment 39–1055 and Amendment 39–672.

Applicability: Model 269A helicopters, serial numbers (S/N) 0011 through 1109, Model 269A–1 helicopters, S/N 0001 through 0041, Model 269B, S/N 0001 through 0444, and Model TH–55A, with main rotor thrust bearing, part number (P/N) 269A5050–50, –51, or –73, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (g) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within 25 hours time-in-service (TIS) after the effective date of this AD, unless accomplished previously.

To prevent failure of the main rotor thrust bearing (bearing), loss of the main rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) From available helicopter records, determine the TIS of the appropriate bearing, part number (P/N) 269A5050–50, P/N 269A5050–51, or P/N 269A5050–73.

(1) If the TIS on the bearing, P/N 269A5050–50 or –51, equals or exceeds 300 hours TIS, replace the bearing with an airworthy bearing before further flight.

(2) If the TIS on the bearing, P/N 269A5050–50 or –51, equals or exceeds 275 hours TIS, and is less than 300 hours TIS, replace the bearing with an airworthy bearing within the next 25 hours TIS.

(3) If the TIS on the bearing, P/N 269A5050–50 or –51, is less than 275 hours TIS, replace the bearing with an airworthy bearing on or before 300 hours TIS.

(b) Inspect bearing, P/N 269A5050–50 or –51, for rotational roughness, corrosion, inadequate lubrication, physical damage, moisture or inadequate drainage due to build-up of zinc chromate paste in accordance with Step II, paragraph b of Schweizer Service Notice (SSN) No. N–59, dated October 9, 1968.

(1) If bearing rotational roughness, corrosion, inadequate lubrication, physical damage, moisture or inadequate drainage due to build-up of zinc chromate paste is found, replace the bearing with an airworthy bearing.

(2) If no bearing rotational roughness, corrosion, lack of lubrication, physical damage, moisture or inadequate drainage due to build-up of zinc chromate paste is found, thereafter, inspect the bearing in accordance with this paragraph upon attaining an additional 150 hours TIS.

(3) For replacement bearings, inspect in accordance with this paragraph upon attaining 150 hours TIS, unless the bearing reaches its 300 hour TIS retirement life limit prior to this inspection.

(c) For bearing, P/N 269A5050–73:

(1) Inspect the bearing for corrosion, rust, freedom of rotation, looseness, binding, nicks, burrs, cracks and lubrication. Thereafter, inspect the bearing at intervals not to exceed 600 hours TIS.

(2) As necessary, repack the bearing cavity in accordance with Schweizer Aircraft Corporation CKP–C–41 ''Installation Instructions For 269 Series Helicopters, SA–269K–057–1 Main Rotor Thrust Bearing Kit,'' dated June 9, 1994.

(d) This AD establishes a retirement life of 300 hours TIS for bearings, P/Ns 269A5050–50 and –51 and a retirement life of 3,000 hours TIS for bearing, P/N 2695050–73. However, bearings, P/Ns 269A5050–50 and –51, with at least 275 hours TIS but less than 300 hours TIS, need not be retired until or before the accumulation of an additional 25 hours TIS.

(e) Inspect the thrust bearing nut (nut), P/N 269A1306–5, for corrosion and physical damage and determine whether the nut has been modified in accordance with Step III of SSN No. N–59, dated October 9, 1968.

(1) If corrosion or physical damage is found, replace the nut with an airworthy nut that has been modified in accordance with Step III of SSN No. N–59, dated October 9, 1968.

(2) If the nut has not been modified, modify the nut in accordance with Step III of SSN No. N–59, dated October 9, 1968.

(f) Inspect the interior of the main rotor mast (mast) for corrosion, physical damage, foreign materials, moisture or inadequate drainage due to a buildup of zinc chromate paste and determine whether the mast has been modified in accordance with Step II of SSN No. N–59, dated October 9, 1968 to install a drain hole.

(1) If corrosion or physical damage is found, replace the mast with an airworthy mast that has been modified in accordance with Step III of SSN No. N–59, dated October 9, 1968.

(2) If the interior of the mast has foreign materials, moisture or inadequate drainage due to a buildup of zinc chromate paste, clean the area with a suitable solvent in accordance with Step II of SSN No. N–59, dated October 9, 1968.

(3) If the mast has not been modified, modify the mast in accordance with Step III of SSN No. N–59, dated October 9, 1968.

(g) 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, New York Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the

Manager, New York Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(h) 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 helicopter to a location where the requirements of this AD can be accomplished.

(i) The inspections, modifications, and replacements shall be done in accordance with Schweizer Service Notice No. N–59, dated October 9, 1968 and Schweizer Aircraft Corporation CKP–C–41 ''Installation Instructions For 269 Series Helicopters, SA–269K–057–1 Main Rotor Thrust Bearing Kit,'' dated June 9, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, Room 663, 2601 Meacham Blvd., Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on April 7, 1997.

Issued in Fort Worth, Texas, on February 20, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–4951 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Docket No. 96–ACE–23]

Amendment to Class E Airspace, York, NE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This rule amend the Class E airspace area at York Municipal Airport, York, Nebraska. The effect of this rule is to provide additional controlled airspace for aircraft executing Standard Instrument Approach Procedures (SIAP) at the York Municipal Airport.

EFFECTIVE DATE: 0901 UTC March 27, 1997.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the Federal Register on January 6, 1997 (62 FR 607). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, was received within the comment period, the regulation would become effective on March 27, 1997. No adverse comments were received, and thus this notice confirms that this final rule will become effective on that date.

Issued in Kansas City, MO, on February 13, 1997.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 97–5054 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 97–ASO–3]

Amendment to Class E Airspace; Mayport NS Mayport, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E4 airspace description at Mayport NS Mayport, FL, to reflect the part time status of the Class E4 airspace. The control tower is not open continuously at Mayport NAS. Therefore, a reference to effective days and times in the airspace description is necessary to reflect the part time status of the airspace. The effective days and times will be continuously published in the Airport/Facility Directory.

EFFECTIVE DATE: 0901 UTC, May 22, 1997.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, Operations Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

History

The control tower at Mayport NAS, FL, is not open continuously. The Class D airspace description for Mayport NS Mayport, FL, reflects the part time status of the Class D airspace. Since the Class E4 airspace is an extension to the Class D airspace, the status of the class E4 airspace is the same as the Class D airspace. Therefore, a reference to days and times must be added to the Class E4 airspace description to reflect its status as part time. The effective days and times will be continuously published in the Airport/Facility Directory. This action will have a positive impact on the users of the airspace in the vicinity of Mayport NAS by accurately reflecting the part time status of the airspace. This rule will become effective on the date specified in the **DATES** section. Since this action makes a technical amendment to the Class E4 airspace, which has a positive impact on users of the airspace in the vicinity of the airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies the Class E4 airspace description at Mayport NS Mayport, FL, to reflect the part time status of the Class E4 airspace. The effective days and times will be continuously published in the Airport/Facility Directory.

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. It, therefore, (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 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; EO 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 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 6004 Class E airspace areas designated as an extension to a Class D or E surface area.

* * * * *

ASO FL E4 Mayport NS Mayport, FL [Revised]

Mayport NAS, FL
(Lat. 30°23′31″ N, long. 81°25′23″ W)
Mayport (Navy) TACAN
(Lat. 30°23′19″ N, long. 81°25′23″ W)

That airspace extending upward from the surface within 3.2-miles each side of the Mayport (Navy) TACAN 035° radial extending from the 4.2-mile radius of Mayport NAS to 5 miles northeast of the TACAN. This Class E airspace is effective during the days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on February 10, 1997.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 97–5063 Filed 2–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 746

[Docket No. 961015286–6286–01]

RIN 0694–AB43

Exports to Cuba; Support for the Cuban People

AGENCY: Bureau of Export Administration.

ACTION: Final rule.

SUMMARY: On October 6, 1995, President Clinton announced several changes to the administration of the Cuban embargo intended to promote democratic change in Cuba. Accordingly, this final rule amends the Export Administration Regulations by introducing a licensing review policy for the approval, on a case-by-case basis, of certain exports to human rights organizations, news bureaus, and individuals and non-governmental organizations engaged in activities that promote democratic activity in Cuba.

EFFECTIVE DATE: March 3, 1997.

FOR FURTHER INFORMATION CONTACT: Bruce Cromack, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482–5537.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1995 the President announced new measures designed to improve enforcement of the U.S. embargo against Cuba and to increase support for the Cuban people. The measures would permit U.S. persons to engage in new categories of transactions with eligible Cuban entities, providing increased support for the Cuban people by facilitating communications, and supporting human rights and democratic activities. This rule is consistent with the Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR in Executive Order 12924 of August 19, 1994, as extended by the President's notice of August 15, 1995 (60 FR 42767) and notice of August 14, 1996 (61 FR 42527).

Rulemaking Requirements

1. This final rule has been determined to be significant for purposes of E.O. 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0021 and 0694–0088. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Submit comments to Hillary Hess, Office of Exporter Services, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 746

Embargoes, Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, part 746 of the Export Administration Regulations (15 CFR Parts 730–774) is amended as follows:

PART 746—[AMENDED]

1. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 6004; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995 (60 FR 42767, August 17, 1995); and Notice of August 14, 1996 (61 FR 42527).

2. Section 746.2 is amended by adding paragraph (b)(4) to read as follows:

§ 746.2 Cuba.

* * * * *

(b) * * *

(4) Applications for licenses may be approved, on a case-by-case basis, for certain exports to Cuba intended to provide support for the Cuban people, as follows:

(i) Applications for licenses for exports of certain commodities and software may be approved to human rights organizations, or to individuals and non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba when such exports do not give rise to U.S. national security or counter-terrorism concerns. Examples of such commodities include fax machines, copiers, computers (e.g., 486-level/CTP of 24.8 MTOPS or less), business/office software, document scanning equipment, printers, typewriters, and other office or office communications

equipment. Applicants may donate or sell the commodities or software to be exported. Reexport to other end-users or end-uses is not authorized.

(ii) Commodities and software may be approved for export to U.S. news bureaus in Cuba whose primary purpose is the gathering and dissemination of news to the general public. In addition to the examples of commodities and software listed in paragraph (b)(4)(i) of this section, certain telecommunications equipment necessary for the operation of news organizations (e.g., 33M bit/s data signaling rate or less) may be approved for export to U.S. news bureaus.

* * * * *

Dated: February 26, 1997.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 97–5169 Filed 2–28–97; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 93F–0028]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 3,6-bis(4-chlorophenyl)-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione (C.I. Pigment Red 254) as a colorant in polymers intended for use in contact with food. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective March 3, 1997; written objections and requests for a hearing by April 2, 1997.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3094.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 17, 1993 (58 FR 14402), FDA announced that a food additive petition (FAP 3B4349) had been filed by Ciba-Geigy Corp., 315 Water St., Newport, DE 19804–2434 (currently c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001). The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of 3,6-bis(4-chlorophenyl)-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione (C.I. Pigment Red 254) as a colorant in polymers intended for use in contact with food.

In its evaluation of the safety of this food additive, FDA reviewed the safety of the additive and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it may contain minute amounts of polychlorinated biphenyls (PCB's), which are carcinogenic impurities resulting from the manufacture of the additive. Residual amounts of reactants, manufacturing aids, and their constituent impurities, and byproducts, such as PCB's, are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under the so-called ''general safety clause'' of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the food additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

The food additives anticancer, or Delaney, clause of the act (21 U.S.C. 348(c)(3)(A)) provides that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to the impurities in the additive. That is, where an additive itself has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety clause using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the food additive (*Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984)).

II. Safety of the Petitioned Use of the Additive

FDA estimates that the petitioned use of the food additive, 3,6-bis(4-chlorophenyl)-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione (C.I. Pigment Red 254), will result in exposure to no greater than 0.2 parts per billion (ppb) of the food additive in the daily diet (3 kilograms (kg)) or an estimated daily intake (EDI) of 0.6 micrograms (µg) per person per day (µg/person/day) (Ref. 1).

FDA does not ordinarily consider chronic toxicological studies to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Ref. 2), and the agency has not required such testing here. However, the agency has reviewed the available toxicological data (acute toxicity and mutagenicity studies) on the additive and concludes that the small dietary exposure resulting from the proposed use of the additive is safe.

FDA has evaluated the safety of this additive under the general safety clause, considering all available data and using risk assessment procedures to estimate the upper-bound limit of lifetime human risk presented by PCB's, carcinogenic chemicals that may be present as impurities in the additive. This risk evaluation of PCB's has two aspects: (1) Assessment of the worst-case exposure to these impurities from the proposed use of the additive; and (2) extrapolation of the risk observed in the animal bioassays to the conditions of worst-case exposure to humans.

A. PCB's

FDA has estimated the hypothetical worst-case exposure to PCB's from the petitioned use of the food additive as a colorant in polymers to be less than $1x10^{-4}$ parts per trillion of the daily diet (3 kg), or 0.3 picograms (pg)/person/day (Ref. 3). The agency used data from a carcinogenesis bioassay on PCB's, conducted by Norback and Weltman (Ref. 4), to estimate the upper-bound limit of lifetime human risk from exposure to these chemicals resulting from the proposed use of the food additive (Ref. 5). The results of the bioassay on a PCB mixture (Aroclor 1260) demonstrated that the material was carcinogenic for male and female rats under the conditions of the study. The test material caused significantly increased incidence of hepatocellular tumors in both female and male rats.

Based on the estimated worst-case exposure to PCB's of 0.3 pg/person/day, FDA estimates that the upper-bound limit of lifetime human risk from the use of the subject additive is less than $7.5x10^{-13}$, or 8 in 10 trillion (Refs. 6 and

7). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to PCB's is likely to be substantially less than the potential worst-case exposure, and therefore, the upper-bound limit of lifetime human risk would be less. Thus, the agency concludes that there is a reasonable certainty that no harm from exposure to PCB's would result from the proposed use of the additive.

B. Need for Specifications

The agency has also considered whether specifications are necessary to control the amount of PCB's present as impurities in the additive. The agency finds that specifications are not necessary for the following reasons: (1) Because of the low levels at which PCB's may be expected to remain as impurities following production of the additive, the agency would not expect these impurities to become components of food at other than extremely low levels; and (2) the upper-bound limit of lifetime human risk from exposure to these impurities, even under worst-case assumptions, is very low, less than 8 in 10 trillion.

III. Conclusion on Safety

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive as a colorant in polymers in contact with food is safe, that the food additive will achieve its intended technical effect, and that the regulations in § 178.3297 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

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.

V. Objections

Any person who will be adversely affected by this regulation may at any time on or before April 2, 1997, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum dated September 15, 1993, from the Chemistry Review Branch (HFS–247) to the Indirect Additives Branch (HFS–216), concerning ''FAP 3B4349 (MATS #678, M2.1)—Ciba-Geigy Corp. (CG)—Irgazin DPP Red BO (Cromophtal DPP Red BP) as a colorant in all polymers. Submission dated 10–29–92.''

2. Kokoski, C. J., ''Regulatory Food Additive Toxicology,'' in *Chemical Safety Regulation and Compliance*, edited by F. Homburger and J. K. Marquis, S. Karger, New York, NY, pp. 24–33, 1985.

3. Memorandum dated February 21, 1995, from the Chemistry Review Branch (HFS–247) to the Indirect Additives Branch (HFS–216), concerning ''FAP 3B4349 (MATS #678, M2.7)—Ciba-Geigy Corp. (CG)—Irgazin DPP Red BO (Cromophtal DPP Red BP) as a colorant in all polymers. Submission dated 8–31–94.''

4. Norback, D. H., and R. H. Weltman, ''Polychlorinated Biphenyl Induction of Hepatocellular Carcinoma in the Sprague-Dawley Rat,'' *Environmental Health Perspectives*, 60:97–105, 1985.

5. Gaylor, D. W., and R. L. Kodell, ''Linear Interpolation Algorithm for Low Dose Risk Assessment of Toxic Substances,'' *Journal of Environmental Pathology and Toxicology*, 4:305–312, 1980.

6. Memorandum, Report of the Quantitative Risk Assessment Committee, August 18, 1995.

7. Memorandum dated October 11, 1996, from the Quantitative Risk Assessment Committee (HFS–16) to the Indirect Additives Branch (HFS–216) concerning ''Clarification of QRAC Memorandum of August 18, 1995, re FAPs 9B4158 and 3B4349.''

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.3297 is amended in the table in paragraph (e) by alphabetically adding a new entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.3297 Colorants for polymers.

* * * * *

(e) * * *

Substances	Limitations
* * *	* * * *
3,6-Bis(4-chlorophenyl)-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione (C.I. Pigment Red 254, CAS Reg. No. 84632–65–5)	For use only at levels not to exceed 1 percent by weight of polymers. The finished articles are to contact food only under conditions of use B through H, described in Table 2 of § 176.170(c) of this chapter.
* * *	* * * *

Dated: February 5, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–5077 Filed 2–28–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–97–002]

RIN 2115–AE46

Special Local Regulations: Intracoastal Waterway, St. Augustine, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the ''Blessing of the Fleet'' ceremony. The event will be held from 11 a.m. to 3 p.m. Eastern Standard Time (EST) on March 23, 1997. The regulated area includes those waters between the Bridge of Lions and the Fish Island Marina Daybeacon #2 in the Matanzas River, St. Augustine, Florida. The anticipated concentration of participant and spectator vessels will create an unusual hazard on the navigable waters. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This rule becomes effective 9 a.m. EST and terminates at 3 p.m. EST on Sunday, March 23, 1997.

FOR FURTHER INFORMATION CONTACT: Ensign G. Watson, Project Officer, Coast Guard Group Mayport Florida, (904) 247–7398.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The information to hold the event was not received until January 17, 1997, leaving insufficient time to publish proposed rules prior to the event or to provide a delayed effective date.

Discussion of Regulations

The event requiring this regulation is a ''Blessing of the Fleet'' ceremony. There will be 150 participating vessels in single file, parade style, transiting the Intracoastal Waterway from the Bridge of Lions south to Daybeacon number #2, and returning north to the Bridge of Lions. Approximately ten spectator craft are expected. The total number of vessels in the regatta area creates an extra hazard to the safety of life on the navigable waters.

The regulated area includes those waters between the Bridge of Lions and the Fish Island Marina Daybeacon #2, LLNR 35420, position 29–52.15N, 081–18.12W, in the Matanzas River, St. Augustine, Florida. Datum: NAD 1983. The event requires that vessel traffic control be implemented within the area of the Intracoastal Waterway between the Bridge of Lions and Daybeacon number #2. This regulation provides that entry into the regulated area, by other than parade participants or spectator craft, is prohibited, unless authorized by the Patrol Commander. After termination of the ''Blessing of the Fleet'' ceremony, all vessels may resume normal operations.

Spectator craft will be allowed to enter the regulated area; however, vessel mooring, anchoring, and movement restrictions will be directed by Coast Guard and local law enforcement officials.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The regulation will only be in effect for a total of 5 hours on the date of the ceremony.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632).

The Coast Guard certifies under section 605 (b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities because the regulation will be in effect for a total of 5 hours in a limited area of the Intracoastal Waterway in St. Augustine.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule under paragraph 2.B.2 of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994). In accordance with that instruction, specifically section 2.B.4 and 2.B.5, this action has been environmentally assessed (EA completed), and the Coast Guard has concluded that this event will not significantly affect the quality

of human environment. An environmental assessment and finding of no significant impact have been prepared and are available for copying and inspection.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. A new temporary section 100.35T–97–002 is added to read as follows:

§ 100.35T–97–002 Intracoastal Waterway; St. Augustine, FL.

(a) *Regulated area.* The regulated area is located in the waters of the Matanzas River, Intracoastal Waterway, St. Augustine, Florida. Its northern boundary is formed by a line, perpendicular to the centerline of the Matanzas River, drawn from Fish Island Marina Daybeacon #2, LLNR 35420, position 29–52.15N, 081–18.12W, near the entrance of the San Sebastian River, to the East bank of the Matanzas River. The eastern boundary is formed by the eastern bank of the Matanzas River. The western boundary begins where the Bridge of Lions meets the west bank of the Matanzas River and runs along the west bank of the river to 29–52.34N, 081–18.13W, and then to 29–52.20N, 081–18.09W at the southeast end of the regulated area. All coordinates reference Datum: NAD 1983.

(b) *Special local regulations.* (1) Entry into this regulated area, by other than parade participants or spectator craft, is prohibited, unless authorized by the Patrol Commander. After termination of the ''Blessing of the Fleet'' ceremony, all vessels may resume normal operations.

(2) Spectator craft will be allowed to enter the regulated area; however, vessel mooring, anchoring, and movement restrictions will be directed by Coast Guard and local law enforcement officials.

(c) *Effective date.* This regulation becomes effective at 9 a.m. EST and terminates at 3 p.m. EST, on March 23, 1997.

Dated: February 13, 1997.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 97–5064 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 110

[CGD01–96–012]

RIN 2115–AA98

Special Anchorage Area: Special Anchorage Great Kills Harbor, Staten Island, New York; Special Anchorage Sheepshead Bay, Brooklyn, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the special anchorage regulations for Great Kills Harbor, Staten Island, New York, and Sheepshead Bay, Brooklyn, New York. The regulations are amended to remove the language that required federal mooring permits for individual mooring locations in these special anchorage areas.

EFFECTIVE DATE: April 2, 1997.

FOR FURTHER INFORMATION CONTACT: LT John W. Green, Waterways Oversight Branch, Coast Guard Activities, New York (212) 668–7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

On March 20,1996, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (61 FR 11356). The Coast Guard received one hundred fifty comments on the proposals. A public hearing was requested but was not held since the written comments clearly expressed the views of the commenters and oral presentations would not aid the rulemaking process.

Background and Purpose

An area designated as a special anchorage provides for vessels 65 feet and under to anchor within specified boundaries without exhibiting anchor lights. Approximately a decade ago, Captain of the Port New York administered approximately 2,500 mooring locations annually in approximately nine special anchorages. As the size of the boating public grew, the burden of administering these mooring locations became increasingly difficult. Several years ago, Captain of the Port New York discontinued the administration of individual recreational mooring locations in all special anchorages, except for anchorages in Great Kills Harbor and Sheepshead Bay. Due to budget constraints and the Presidential mandate to streamline the federal government, Captain of the Port New York discontinued entirely the discretionary procedure of issuing permits for mooring locations. This rule amends existing regulations to reflect that mooring permits are no longer issued by the Coast Guard for the Great Kills Harbor and Sheepshead Bay anchorages. Although mooring permits are no longer issued by the Captain of the Port, vessels may still anchor or use a mooring buoy without displaying lights. Vessel owners interested is using these anchorages in the 1997 boating season may contact: Thomas Rozinski, Deputy Counsel, New York City Department of Parks and Recreation, The Arsenal, Central Park, New York, NY 10021.

Discussion of Comments

One hundred fifty comments objected to the Coast Guard discontinuing the issuance of mooring permits in the Great Kills Harbor special anchorage. No comments were received objecting to the Coast Guard discontinuing the issuance of mooring permits in Sheepshead Bay.

Comments were received from three yacht clubs in Great Kills Harbor and one hundred forty of their members and from seven individuals not specifically allied with the three yacht clubs. These persons stated that the transfer of responsibility for issuing permits to the Borough of Staten Island or other entity would result in chaos on the water, and the cost of a mooring permit to be increased beyond the reach of the vessel owners holding permits. On yacht club stated that there may be a loss of membership and possible dissolution of the club due to the increase in the cost of permits. The Coast Guard considered these comments and forwarded them to the New York City Department of Parks and Recreation. The Coast Guard believes that the municipality will regulate the moorings in an orderly manner and in the best interests of its constituents. Concerns over the costs of future permits should be addressed to New York City Department of Parks and Recreation at the address provided in the Background and Purpose section above.

Various persons suggested that the Coast Guard charge a fee, or extend the term of the permit to two or three years to offset the Coast Guard's expenses in issuing permits. The Coast Guard considered these comments. The decision to no longer issue mooring permits was based on the belief that, similar to the arrangement in the rest of

the country, local governments, rather than the federal government, are the appropriate entities to issue local mooring permits. The Coast Guard believes it is inappropriate for the Coast Guard to continue to administer the moorings and charge increased fees to compensate for the cost of administering the system.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This rule does not affect the status of the special anchorage areas in Great Kills Harbor or Sheepshead Bay, but merely reflects that the Captain of the Port of New York mooring permit procedures are no longer applicable and that mooring permits will no longer be issued by the Coast Guard. This proposal will not be significant because the boating public retains the ability to use the anchorages, and will be able to do so without obtaining a Federal mooring permit. The Coast Guard expects that the New York City Parks and Recreation Department will act in the interest of the boating public and will carefully consider the economic impact of their actions on vessel owners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''Small entities'' may include (1) small business and not-for-profit organizations that are independently owned and operated and are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation and Discussion of Comments sections, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that it is categorically excluded from further analysis and documentation requirements under the National Environmental Policy Act (NEPA). This determination was made in accordance with agency procedures and policy for categorical exclusions published in pagragrah 2.B.2.e. (34)(a) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994). A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulation

For reasons set out the preamble, the Coast Guard amends 33 CFR 110.60 as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.60 is amended by revising the note following paragraph (r–1) and paragraph (x)(4) to read as follows (table 110.60(x)(4) and figure 110.60(x)(4) following paragraph (x)(4) remain unchanged):

§ 110.60 Port of New York and vicinity.

* * * * *

(r–1) * * *

Note: The special anchorage area is principally for use by yachts and other recreational craft. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited. Vessels shall be anchored so that no part of the vessel comes within 50 feet of the marked channel.

* * * * *

(x) * * *

(4) *Captain of the Port Regulations.* In Sheepshead Bay, New York, Western, Northern, and Southern Special Anchorage Areas, the following applies:

(i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in table 110.60(x)(4) and the anchor shall be placed as shown in figure 110.60(x)(4).

(ii) The area is principally for vessels used for a recreational purpose.

* * * *

Dated: February 11, 1997.

J.L. Linnon,

Commander, First Coast Guard District.

[FR Doc. 97–5065 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD8–97–001]

RIN 2115–AE47

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule removes the regulations for the East Park Avenue and East Main Street Bridges across the Gulf Intracoastal Waterway, mile 57.6 and 57.7 at Houma, Terrebonne Parish, Louisiana. These drawbridges have been replaced by high level fixed bridges and the drawbridge regulations are no longer necessary.

DATES: This rule is effective on April 2, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Frank, Bridge Administration Branch, (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. David Frank, Project Officer and Lieutenant Commander J. A. Wilson, Project Attorney.

Background and Purpose

The East Park Avenue and East Main Street drawbridges were replaced by high level fixed bridges in November of 1996. Since the drawbridges are no longer at these locations, there is no longer a need for the drawbridge operation regulation. This rule is being published without an opportunity for notice and comment because the bridges regulated in 33 CFR 117.451(c) have been replaced and these regulations are no longer necessary. For this reason, the Coast Guard finds good cause why notice and comment are unnecessary under 5 U.S.C. § 553(b)(2)(B) and why, in accordance with 5 U.S.C. § 553(d)(3),

this rule may be made effective in less than 30 days after its publication in the Federal Register.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the ''Department of Transportation Regulatory Policies and Procedures'' (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). This rule will have no impact on either vehicular or navigational traffic. Because it expects the impact of this final rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1 (series), this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.451 [Amended]

2. In § 117.451, paragraph (c) is removed and paragraph (d), (e), and (f) are redesignated paragraphs (c), (d), and (e) respectively.

Dated: January 30, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 97–5173 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD08–97–003]

RIN 2115–AE47

Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: Notice is hereby given that the Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Seabrook Railroad bascule span drawbridge across the Inner Harbor Navigation Canal, mile 4.5 in New Orleans, Orleans Parish, Louisiana. This deviation requires that the draw open on signal except that between the hours of 8 a.m. and noon and between the hours of 1 p.m. and 5 p.m. on weekdays only from April 7, 1997 through May 2, 1997, the draw need not open for the passage of vessels. Presently, the draw is required to open on signal. This closure is necessary for structural repair of the roadway support which has been damaged as a result of a vessel allision. The draw of the bridge may be open between noon and 1 p.m. to pass navigation.

DATES: The deviation is effective from 8 a.m. on April 7, 1997 through 5 p.m. on May 2, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, telephone number (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Seabrook (Southern railroad) bascule span drawbridge across the Inner Harbor Navigation Canal, mile 4.5 in New Orleans, has a vertical clearance of one foot above high tide in the closed to navigation position and unlimited clearance in the open to navigation position. Navigation on the waterway consist of tugs with tows, including crane barges, jack-up boats, oil industry crew vessels, fishing vessels, sailing vessels, and other recreational craft. The Port of New Orleans requested a temporary deviation from the normal operation of the bridge so that repairs to the concrete roadway support may be made.

Dated: January 30, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 97–5175 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5696–4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Spence Farm Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Spence Farm site in Ocean County, New Jersey from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that responsible parties have implemented all appropriate response actions required. Moreover, EPA and the State of New Jersey have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: March 3, 1997.

ADDRESSES: Comprehensive information on this site is available for viewing at

the Site Administrative Record Repository located at: New Egypt Library, 10 Evergreen Road, New Egypt, NJ 08533, Contact: Barbara Rothlein, Phone: (609) 758–7888.

Hours: Monday (10 am to 5 pm and 7 to 9 pm)
Tuesday (10 am to 5 pm)
Wednesday (1 to 5 pm)
Thursday (1 to 5 pm and 7 to 9 pm)
Friday (10 am to 5 pm)
Saturday (10 am to 1 pm).

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Gowers, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007–1866, (212) 637–4413.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is:

Spence Farm Site in Ocean County, New Jersey.

A Notice of Intent to Delete for this site was published October 25, 1996 (61 FR 55260). The closing date for comments on the Notice of Intent to Delete was November 25, 1995. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund)—financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 10, 1997.

William J. Muszynski,

Acting Regional Administrator.

40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Site ''Spence Farm, Plumstead Township, New Jersey''.

[FR Doc. 97–5037 Filed 2–28–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5696–3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Pijak Farm Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Pijak Farm site in Ocean County, New Jersey from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that responsible parties have implemented all appropriate response actions required. Moreover, EPA and the State of New Jersey have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: March 3, 1997.

ADDRESSES: Comprehensive information on this site is available for viewing at the Site Administrative Record Repository located at: New Egypt Library, 10 Evergreen Road, New Egypt, NJ 08533; *Contact:* Barbara Rothlein; *Phone:* (609) 758–7888; *Hours:* Monday (10 am to 5 pm and 7 to 9 pm), Tuesday (10 am to 5 pm), Wednesday (1 to 5 pm), Thursday (1 to 5 pm and 7 to 9 pm), Friday (10 am to 5 pm), Saturday (10 am to 1 pm).

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Gowers, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007–1866, (212) 637–4413.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is:

Pijak Farm Site in Ocean County, New Jersey.

A Notice of Intent to Delete for this site was published October 25, 1996 (61 FR 55260). The closing date for comments on the Notice of Intent to Delete was November 25, 1995. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund)—financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 10, 1997.

William J. Muszynski,

Acting Regional Administrator.

40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Site ''Pijak Farm, Plumstead Township, New Jersey.''

[FR Doc. 97–5036 Filed 2–28–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7660]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Executive Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Executive Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

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

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region I				
Connecticut: Granby, town of, Hartford County.	090125	September 27, 1973, Emerg.; February 15, 1980, Reg.; March 3, 1997, Susp.	March 3, 1997	March 3, 1997.
Region II				
New Jersey: South River, borough of, Middlesex County.	340280	June 18, 1974, Emerg.; June 4, 1980, Reg.; March 3, 1997, Susp.	.....do	Do.
New York:				
Canandaigua, town of, Ontario County	360598	June 15, 1973, Emerg.; April 17, 1978, Reg.; March 3, 1997, Susp.	.....do	Do.
Gouverneur, village of, St. Lawrence County.	360699	July 22, 1975, Emerg.; November 2, 1984, Reg.; March 3, 1997, Susp.	.....do	Do.
Windham, town of, Greene County	361401	December 5, 1980, Emerg.; June 1, 1988, Reg.; March 3, 1997, Susp.	.....do	Do.
Region V				
Illinois: Aurora, city of, DuPage and Kane Counties.	170320	April 9, 1973, Emerg.; June 15, 1979, Reg.; March 3, 1997, Susp.	.....do	Do.
Region IV				
Georgia:				
Gray, city of, Jones County	130237	May 29, 1975, Emerg.; May 21, 1982, Reg.; March 17, 1997, Susp.	March 17, 1975 ..	March 17, 1997
Hawkinsville, city of, Pulaski County	130155	July 15, 1975, Emerg.; August 15, 1990, Reg.; March 17, 1997, Susp.	.....do	Do.
Jones County, unincorporated areas ...	130434	November 10, 1987, Emerg.; September 1, 1990, Reg.; March 17, 1997, Susp.	.....do	Do.
Monroe County, unincorporated areas	130138	July 29, 1987, Emerg.; September 1, 1990, Reg.; March 17, 1997, Susp.	.....do	Do.
Pulaski County, unincorporated areas	130378	June 25, 1990, Emerg.; August 15, 1990, Reg.; March 17, 1997, Susp.	.....do	Do.
Worth County, unincorporated areas ...	130196	March 10, 1995, Emerg.; March 17, 1997, Reg.; March 17, 1997, Susp.	.....do	Do.
Mississippi: Pearl, city of, Rankin County ...	280145	May 15, 1974, Emerg.; December 15, 1982, Reg.; March 17, 1997, Susp.	.....do	Do.
Region VI				
Oklahoma:				
Cleveland County, unincorporated areas.	400475	June 8, 1987, Emerg.; June 1, 1989, Reg.; March 17, 1997, Susp.	.....do	Do.
Lexington, city of, Cleveland County	400043	September 26, 1975, Emerg.; December 2, 1980, Reg.; March 17, 1997, Susp.	.....do	Do.
Moore, city of, Cleveland County	400044	April 18, 1974, Emerg.; December 2, 1980, Reg.; March 17, 1997, Susp.	.....do	Do.
Noble, town of, Cleveland County	400045	October 2, 1975, Emerg.; July 2, 1981, Reg.; March 17, 1997, Susp.	.....do	Do.
Norman, city of, Cleveland County	400046	August 23, 1974, Emerg.; November 1, 1979, Reg.; March 17, 1997, Susp.	.....do	Do.
Oklahoma City, city of, Cleveland County.	405378	March 19, 1971, Emerg.; July 14, 1972, Reg.; March 17, 1997, Susp.	.....do	Do.
Slaughterville, town of, Cleveland County.	400539	December 27, 1990, Emerg.; April 15, 1992, Reg.; March 17, 1997, Susp.	.....do	Do.
Region VII				
Missouri:				
Marshall, city of, Saline County	290403	March 24, 1975, Emerg.; November 4, 1988, Reg.; March 17, 1997, Susp.	.....do	Do.
Region VIII				
Colorado:				
Calhan, town of, El Paso	080192	March 12, 1976, Emerg.; March 18, 1986, Reg.; March 17, 1997, Susp.	.....do	Do.
Ramah, town of, El Paso	080066	November 19, 1975, Emerg.; August 5, 1986, Reg.; March 17, 1997, Susp.	.....do	Do.
Region X				
Idaho:				
Bellevue, city of, Blaine County	160021	May 29, 1975, Emerg.; August 1, 1978, Reg.; March 17, 1997, Susp.	.....do	Do.
Blaine County, unincorporated areas ...	165167	May 14, 1971, Emerg.; March 16, 1981, Reg.; March 17, 1997, Susp.	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Hailey, city of, Blaine County	160022	May 28, 1974, Emerg.; April 17, 1978, Reg.; March 17, 1997, Susp.	.....do	Do.
Ketchum, city of, Blaine County	160023	May 9, 1974, Emerg.; June 15, 1978, Reg.; March 17, 1997, Susp.	.....do	Do.
Sun Valley, city of, Blaine County	160024	September 6, 1974, Emerg.; April 17, 1978, Reg.; March 17, 1997, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Issued: February 25, 1997.

Craig S. Wingo,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 97–5267 Filed 2–28–97; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–50; RM–8768]

Radio Broadcasting Services; Nikiski, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 227C2 to Nikiski, Alaska, as that community's first local aural transmission service, in response to a petition filed by Willliam J. Glynn, Jr. See 61 FR 14042, March 29, 1996. Coordinates used for Channel 227C2 at Nikiski are 60–35–40 and 151–20–00. With this action, the proceeding is terminated.

DATES: Effective April 7, 1997. The window period for filing applications on Channel 227C2 at Nikiski, Alaska, will open on April 7, 1997, and close on May 8, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 227C2 at Nikiski, Alaska, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–50, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska is amended by adding Nikiski, Channel 227C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5183 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–168; RM–8836]

Radio Broadcasting Services; Weaverville, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 266A to Weaverville, California, in lieu of previously proposed Channel 299A, as that community's second local FM transmission service, in response to a petition for rule making filed on behalf of Terry L. Dunning. See 61 FR 43032, August 20, 1996. The allotment of Channel 266A at Weaverville negates a conflict with applications filed for Channel 296C3 at Shasta Lake City, California, and is in conformity with the Commission's policy of attempting to resolve conflicts between rulemaking petitions and later-filed FM applications. See Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, 58 FR 38536, July 19, 1993. With this action, the proceeding is terminated.

DATES: Effective April 7, 1997. The window period for filing applications on Channel 266A at Weaverville, California, will open on April 7, 1997, and close on May 8, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 266A at Weaverville, California, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–168, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 266A at Weaverville.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5184 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 94–78; RM–8472 and RM–8525]

Radio Broadcasting Services; Cloverdale, Montgomery, and Warrior, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies a petition for reconsideration filed by William P. Rogers that appeals the *Report and Order,* 60 FR 65021 (December 18, 1995), in this proceeding insofar as it did not accept Rogers' counterproposal to allot Channel 254A to Florence, Alabama. The *Report and Order* was affirmed because Rogers' counterproposal did not provide 100 percent city-grade coverage of Florence, as required by Section 73.315(a) of the Commission's Rules.

EFFECTIVE DATE: March 3, 1997.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* MM Docket No. 94–78, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5191 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 239

[DFARS Case 96–D011]

Defense Federal Acquisition Regulation Supplement; Automatic Data Processing Equipment Leasing Costs

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove references to an obsolete Federal Acquisition Regulation (FAR) cost principle pertaining to automatic data processing equipment (ADPE) leasing costs, and to remove corresponding contractor documentation and Government oversight requirements.

DATES: Effective date: March 3, 1997.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 2, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D011 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim DFARS rule supplements the interim FAR rule published as Item I of Federal Acquisition Circular 90–44 on December 31, 1996 (61 FR 79287). The FAR rule deleted the cost principle at FAR 31.205–2, Automatic Data Processing Equipment Leasing Costs. The cost principle was incorporated into the FAR when ADPE was an emerging technology, had limited applications, and was a substantial cost element on Government contracts. In the current technological environment, however, where ADPE hardware costs are no longer such a significant expense and computer systems have become ubiquitous in the workplace, the detailed scrutiny previously required under FAR 31.205–2 is no longer considered necessary.

This interim DFARS rule removes references to FAR 31.205–2, and removes corresponding contractor documentation and Government oversight requirements in Subpart 239.73, Acquisition of Automatic Data Processing Equipment by DoD contractors.

B. Regulatory Flexibility Act

This interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the FAR or DFARS cost principles. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96–D011 in correspondence.

C. Paperwork Reduction Act

This rule reduces, by 106,006 hours, the information collection requirements previously approved by the Office of Management and Budget under Clearance Number 0704–0341.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary because the cost principle, Automatic Data Processing Equipment Leasing Costs, was deleted from the FAR on December 31, 1996. It is necessary that a DFARS rule be published expeditiously to remove references to the obsolete cost principle, and to remove corresponding contractor documentation and Government oversight requirements. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 239

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 239 is amended as follows:

1. The authority citation for 48 CFR Part 239 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

2. The title of Part 239 is revised to read as set forth above.

3. Section 239.7300 is revised to read as follows:

239.7300 Scope of subpart.

This subpart prescribes approval requirements for automatic data processing equipment (ADPE) purchased by contractors for use in performing DoD contracts.

4. Section 239.7301 is amended by revising paragraph (a) to read as follows:

239.7301 Applicability.

(a) This subpart applies when the contractor purchases ADPE and title will pass to the Government.

* * * * *

5. Section 239.7302 is amended by revising the introductory text of paragraph (b) and paragraph (b)(1) to read as follows:

239.7302 Approvals and screening.

* * * * *

(b) If the contractor proposes acquiring ADPE subject to 239.7301, and the unit acquisition cost is $50,000 or more—

(1) The contracting officer shall require the contractor to submit, through the administrative contracting officer, the documentation in 239.7303.

* * * * *

6. Section 239.7303 is revised to read as follows:

239.7303 Contractor documentation.

Contracting officers may tailor the documentation requirements in paragraphs (a) through (d) of this section.

(a) *List of existing ADPE and an analysis of its use.* (1) List of each component identified by manufacturer, type, model number, location, date of installation, and how acquired (lease, purchase, Government-furnished). Identify those acquired specifically to perform a Government contract.

(2) Reliability and usage data on each component for the past 12 months.

(3) Identification of users supported by each component, including how much time each user requires the component and the related contract or task involved.

(b) *List of new ADPE needed and reasons why it is needed.* (1) Estimates of the new equipment's useful life.

(2) List of tasks the new equipment is needed for and why, including estimated monthly usage for each major task or project.

(3) Anticipated software and telecommunications requirements.

(c) *Selection of computer equipment.* (1) If the acquisition is competitive—

(i) List sources solicited and proposals received;

(ii) Show how the evaluation was performed; and

(iii) Provide an explanation if the selected offer is not the lowest evaluated offer.

(2) If the acquisition is not competitive, state why.

(d) *Cost.* State the ADPE cost.

239.7304, 239.7305, and Table 39–1 [Removed]

7. Sections 239.7304 and 239.7305 and Table 39–1 are removed.

[FR Doc. 97–5143 Filed 2–28–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 022197C]

Atlantic Tuna Fisheries; Fishery Closure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS has determined that landings of Atlantic bluefin tuna (ABT) since January 1, 1997 and continued high catch rates warrant an interim closure of the ABT Angling category. Therefore, the Angling category fishery for school, large school, and small medium ABT is closed in all areas until further notice.

EFFECTIVE DATE: The closure of the Angling category is effective 11:30 p.m. local time on March 2, 1997, until the effective date of any reopening, which will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301–713–2347, or Mark Murray-Brown, 508–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

On February 21, 1997, NMFS amended the regulations governing the Atlantic bluefin tuna (ABT) fisheries to provide authority for NMFS to close and/or reopen all or part of the Angling category in order to provide for equitable distribution of fishing opportunities throughout the species range. The regulatory amendments were necessary to increase the geographic and temporal scope of data collection from the scientific monitoring quota established for the United States. Additionally, the authority for interim closures facilitates a more equitable geographic and temporal distribution of fishing opportunities for all fishermen in the Angling category, thus furthering domestic management objectives for the Atlantic tuna fisheries.

Angling Category Closure

NMFS has received information from the State of North Carolina that approximately 13 mt of school, large school, and small medium ABT have been measured during dockside interviews conducted through February 16, 1997. It is estimated that dockside intercepts account for 43 percent of angler trips. Therefore, NMFS estimates that 30 mt of school, large school, and small medium ABT have been landed.

Regulations allow that, upon determining that variations in seasonal distribution, abundance, or migration patterns of ABT, or that the catch rate in one area may preclude anglers in an another area from a reasonable opportunity to harvest a portion of the quota, NMFS may close all or part of the Angling category, and may reopen it at a later date if NMFS determines that ABT have migrated into an identified area. In determining the need for any such temporary or area closure, NMFS considers the following factors:

(A) The usefulness of information obtained from catches of a particular

geographic area of the fishery for biological sampling and monitoring the status of the stock;

(B) The current year catches from the particular geographic area relative to the catches recorded for that area during the preceding 4 years;

(C) The catches from the particular geographic area to date relative to the entire category and the likelihood of closure of that entire category of the fishery if no allocation is made;

(D) The projected ability of the entire category to harvest the remaining amount of Atlantic bluefin tuna before the anticipated end of the fishing season.

It is essential for domestic and international management purposes that NMFS collect complete information from the bluefin fishery and stocks from as wide a geographic range and for as many months during the year as possible. Extensive information on the 1997 winter fishery has been collected. Therefore, an interim closure of the entire Angling category fishery at this time would allow for increased monitoring activities once the bluefin have migrated further north, where fishing has not yet begun, and the fishery is reopened.

Current year catches cannot be compared to landings of the last 4 years, because it was not until 1995 that an Angling category winter fishery began to develop and not until 1996 that NMFS began to monitor these Angling category landings through the Large Pelagic Survey and through state assistance. In 1996, the Angling category subquotas for large school/small medium bluefin and for school bluefin off Delaware and states south were filled prematurely, due to high catch rates early in the season in southern areas, thus reducing fishing opportunities further north, even for school bluefin. While the final 1997 annual quota for the Angling category of ABT has not yet been established (the 1996 allocation was 243 mt), if the current harvest rate continues, it is possible that a significant portion of the entire Angling category quota might be taken prior to the time that the species migrates north to the eight other states in which there is a recreational fishery for bluefin. Because it is relatively early in the fishing season, and given catch rates over the past few years, it is reasonable to expect that Angling category fishermen will harvest the remaining quota before the end of the season.

Given current catch rates, the public interest in an equitable distribution of catch among fishermen in the Angling category, and the need for scientific data from throughout the species' range, NMFS has decided to close the Angling category fishery for school, large school, and small medium bluefin tuna in all areas. Therefore, retaining, possessing, or landing any school, large school or small medium ABT under the Angling category quota must cease at 11:30 p.m. local time on March 2, 1997.

NMFS may reopen the fishery when it is determined that the bluefin have migrated further north and will publish that effective date in the Federal Register. In 1995 and 1996, bluefin tuna were observed to leave North Carolina waters in April. Historically, school bluefin tuna arrive off of Virginia in May and move northward through the mid-Atlantic region during the summer feeding migration. Determination of migration shall be based on catch reports from anglers fishing for other large pelagic species such as yellowfin tuna and anglers fishing for bluefin tuna under the catch and release program. Dockside intercepts from the Marine Recreational Fishing Statistics Survey and logbook reports filed by commercial fishermen shall also be used to document the migration to northern areas.

Anglers may continue to fish for school, large school and small medium ABT, measuring 27 inches (69 cm) to less than 73 inches (119 cm) total curved fork length under the NMFS tag and release program (50 CFR 285.27). Additionally, pending attainment of the annual quota for trophy fish, large medium or giant ABT (73 inches (119 cm) total curved fork length or greater) may still be landed under the Angling category subject to the trophy fish limit of one per vessel per year. Such large medium or giant ABT must be reported to the nearest NMFS enforcement office as required under § 285.24. In North Carolina, trophy fish must be reported to the Coast Guard at 919–995–6403 or to NMFS Enforcement at 919–808–2393. Anglers should verify that the trophy category remains open by calling the NMFS 24–hour Information Line at 301–713–1279 prior to each fishing trip.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: February 25, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–5155 Filed 2–26–97; 12:34 pm]

BILLING CODE 3510–22–F

50 CFR Part 648

[Docket No. 970214031–7031–01; I.D. 011697C]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 16

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 16 to the Northeast Multispecies Fishery Management Plan (FMP). This rule prohibits the use of all gillnets capable of catching Northeast multispecies during the periods in which the harbor porpoise time/area closures are in effect unless the gillnet meets certain specifications. The intent of this action is to restrict the use of small mesh pelagic gillnets, which are currently exempt from the multispecies regulations, to avoid increasing the risk of harbor porpoise entanglements but still allow a traditional bait fishery to continue by specifying the size and method of deployment of the gear.

EFFECTIVE DATE: April 2, 1997.

ADDRESSES: Copies of Amendment 7 to the Northeast Multispecies Fishery Management Plan (Amendment 7), its regulatory impact review (RIR) and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), and Framework Adjustment 16 documents are available upon request from Paul Howard, Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, NMFS, Fishery Policy Analyst, 508-281-9279.

SUPPLEMENTARY INFORMATION:

Background

Regulations governing the Northeast Multispecies fishery prohibit sink gillnet vessels from fishing in defined areas of the Gulf of Maine (GOM) during certain time periods based on the historic bycatch of harbor porpoise in that fishery.

Framework Adjustment 9 to the FMP (60 FR 19364, April 18, 1995) prohibited any fishery using small mesh gear capable of catching multispecies unless the fishery qualified for an exemption based on a finding that it had less than 5 percent bycatch of regulated species. This had the effect of prohibiting small

mesh pelagic gillnets in the harbor porpoise time/area closures even though the regulation was unrelated to harbor porpoise protection.

Amendment 7 to the FMP (61 FR 27710, May 31, 1996) exempted pelagic gillnets, including the small mesh pelagic gear used in the bait fishery, from the multispecies management measures, because the gear type has virtually no bycatch of multispecies. The Council's intent was, and still is, to allow vessels to fish for bait with certain pelagic nets, and to exempt pelagic drift gillnets used to catch swordfish, tunas, and sharks with large mesh in offshore fisheries that are not managed by the Council. The unintended consequence of the measure in Amendment 7 pertaining to gillnets was that there were no restrictions on the size, use, and deployment of small mesh pelagic gillnets in the harbor porpoise time/area closures even though certain types of small mesh gillnets are capable of entangling harbor porpoise.

In the GOM, small mesh pelagic gillnets are either anchored or fished on the surface of the water and are used seasonally by tuna and lobster fishermen to collect herring, menhaden, mackerel, and whiting for bait. Periods of highest use overlap both in time and area with the harbor porpoise closures. Although, at this time, harbor porpoise bycatch in small mesh pelagic gillnets does not appear to be a significant problem, NMFS and the Council are specifying the size and characteristics of these nets and their method of deployment because the gear is currently unrestricted and has accounted for harbor porpoise entanglements. The intent of this action is to avoid any increased risk of entanglement but still allow for the prosecution of traditional bait fisheries.

Regulatory Provisions

This rule extends the time and area closures implemented to reduce entanglements of harbor porpoise in the GOM to all gillnets capable of catching multispecies with the following exception: vessels may fish with a single pelagic gillnet, not longer than 300 ft (91.44 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.62 cm); the net must be attached to the boat, fished in the upper two-thirds of the water column, and marked with the owner's name and vessel identification number.

These restrictions apply to all pelagic gillnets capable of catching multispecies deployed in any of the harbor porpoise time/area closures. Gillnets used to capture highly migratory species, that are incapable of capturing multispecies finfish, are not restricted by this action.

A 1990 gillnet survey indicates that approximately 200 vessels occasionally use pelagic gillnets primarily to harvest bait. The cost and availability of bait in the tuna and lobster fisheries may increase as a result of this action, but these costs will probably be offset by lower enforcement costs due to the enforceability of the measure as the net must be attached to the vessel and tended at all times. According to comments received at public meetings, vessels should still be able to capture enough bait to meet their requirements.

The Council considered information, views and comments made at Marine Mammal Committee meetings held on April 2, 1996, May 12, 1996, and July 30, 1996, and at three Council meetings, on April 17, 1996, June 5, 1996, and July 17, 1996. Documents summarizing the Council's proposal, the biological analyses upon which this decision was based, and potential economic impacts were available for public review 5 days prior to the final meeting as required under the framework adjustment process. Written comments were accepted up to and during the August 20, 1996, Council meeting in Danvers, MA.

Comments and Responses

Comments on the action were received at several meetings from individuals representing the International Wildlife Coalition, Maine Department of Marine Resources, East Coast Tuna Association, and the Massachusetts Netters Association. Fishermen's concerns centered chiefly on a possible alteration in fishing practices, while all groups supported the specifications for net length, mesh size, deployment and gear marking.

Comment : Several groups and a number of individuals were concerned about the net tending requirement. Nets are often anchored to the bottom and are left unattended if an opportunity such as a giant bluefin tuna presents itself. Because of this, an individual representing the tuna industry stated that it would be very inconvenient to attach the net to the vessel, although it would still be possible to prosecute both fisheries. Greater concern was expressed by individuals representing the lobster industry, since lobstermen fishing for bait with pelagic gillnets anchor their nets on the bottom and leave them to check traps before returning to haul the net.

Response: Harbor porpoise are present in significant numbers inshore in the northern GOM during the summer and early fall months. Given that both tuna and lobster fisheries are fishing for the same prey species as harbor porpoise and that their fishing season and the presence of porpoise overlap, the possibility for entanglement is likely, particularly without any restrictions on bait nets. Although the porpoise bycatch in such nets appears to be low at this time, the restrictions provided for in this action would enhance protection in areas where they are most susceptible to entanglement. The requirement that the net be attached to the vessel and its size essentially guarantees that vessel operators would be aware of any marine mammal interactions. Restricting the use of baitnets to small pelagic gillnets in the harbor porpoise closure areas also addresses the dilemma of enforcing the porpoise measures for one type of gillnet while exempting another that may be fished in much the same manner.

Adherence to Framework Procedure Requirements

The Council considered public comment prior to making its recommendation to the Administrator, Northeast Region, NMFS, under the provisions for abbreviated rulemaking in this FMP. The Council requested publication of these management measures 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. NMFS concurs.

Classification

Public meetings held by the Council to discuss the management measures implemented by this rule provided prior notice and opportunity for public comment to be heard and considered. The Council's Marine Mammal Committee discussed the framework adjustment at public meetings on April 2, 1996, May 21, 1996, and July 30, 1996, and at the Multispecies (Groundfish) Committee meetings held on April 11, 1996, and April 13, 1996. Therefore, the Assistant Administrator for Fisheries, NOAA, finds there is good cause under 5 U.S.C. 553(b)(B) to waive the requirement to provide prior notice or an opportunity for public comment as such procedures are unnecessary.

As prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirement of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are applicable. Nevertheless, this action does not significantly increase the impact beyond the scope of impact on

small entities already analyzed, discussed, and described in Amendments 5 and 7 to the FMP.

This final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 21, 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 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 § 648.2, the definition for ''Gillnet gear capable of catching multispecies'' is added in alphabetical order to read as follows:

§ 648.2 Definitions.

* * * * *

Gillnet gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at § 648.81(f)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for, or catch, tunas, swordfish and sharks.

* * * * *

3. In § 648.14, paragraph (a)(89) is revised and paragraph (c)(11) is added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(89) Fish with, set, haul back, possess on board a vessel, unless stowed in accordance with § 648.23(b), or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the EEZ portion of the areas, and for the times, specified in § 648.87(a) and (b), except as provided in § 648.81(f)(2)(ii) and in § 648.87(b)(1)(i), or unless authorized in writing by the Regional Administrator.

* * * * *

(c) * * *

(11) Enter, fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from, or be in the areas, and for the times, described in § 648.87(a) and (b), except as provided in § 648.81(d), (f)(2), (g)(2), and (h)(2), and in § 648.87(b)(1)(i).

* * * * *

4. In § 648.81, paragraph (f)(2)(ii) is revised to read as follows:

§ 648.81 Closed areas.

* * * * *

(f) * * *

(2) * * *

(ii) That are fishing with or using exempted gear as defined under this part, excluding mid-water trawl gear and pelagic gillnet gear capable of catching multispecies, except vessels may fish with a single pelagic gillnet, not longer than 300 ft and not greater than 6 ft deep, with a maximum mesh size of 3 inches, provided the net is attached to the boat, is fished in the upper two-thirds of the water column and is marked with the owner's name and vessel identification number, and provided there is no other gear on board capable of catching multispecies finfish; or

* * * * *

5. In § 648.87, the section heading and paragraph (a) and paragraph (b) heading and introductory text are revised to read as follows:

§ 648.87 Gillnet requirements to reduce harbor porpoise takes.

(a) *Areas closed to sink gillnets and other gillnets capable of catching multispecies.* Sections 648.81(f) through (h) set forth closed area restrictions to reduce the take of harbor porpoise consistent with the harbor porpoise mortality goals.

(b) *Additional areas closed to sink gillnets and other gillnets capable of catching multispecies.* All persons owning or operating vessels in the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section, must remove all of their sink gillnets and other gillnet gear capable of catching multispecies, and may not use, set, haul back, fish with, or possess on board (unless stowed in accordance with the requirements of § 648.23(b)), a sink gillnet or other gillnet gear capable of catching multispecies except for a single pelagic gillnet as described in § 648.81(f)(2)(ii); and all persons owning or operating vessels issued a limited access multispecies permit must remove all of their gillnet gear capable of catching multispecies and may not use, set, haul back, fish with, or possess on board (unless stowed in accordance with the requirements of § 648.23(b)), a gillnet capable of catching multispecies in the areas and for the time specified in paragraphs (b)(1) and (2) of this section, except for a single pelagic gillnet as described in § 648.81(f)(2)(ii).

* * * * *

[FR Doc. 97–4907 Filed 2–28–97; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 961107312–7021–02; I.D. 022697A]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Aleutian Islands Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure; inseason adjustment.

SUMMARY: NMFS is opening directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of pollock in that area.

DATES: The modification is effective 1200 hrs, Alaska local time (A.l.t.), February 26, 1997, until 2400 hrs, A.l.t., February 27, 1997. Comments must be received at the following address no later than 1630 hrs, A.l.t., March 17, 1997.

FOR FURTHER INFORMATION CONTACT: Mike Sloan, 907–581–2062.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish 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.

In accordance with § 679.20 (c)(3)(iii), the allowance for the pollock TAC apportioned for vessels catching pollock for processing by the offshore component in the AI was established by the Final 1997 Harvest Specifications for Groundfish (62 FR 7168, February 18, 1997) as 16,835 metric tons (mt). The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 14,835 mt, and set aside the remaining 2,000 mt as bycatch to support other anticipated groundfish fisheries. The fishery for pollock by vessels catching pollock in the AI of the BSAI was closed to directed fishing under § 679.20(d)(1)(iii) on February 23, 1997, in order to reserve amounts anticipated to be needed for incidental catch in other fisheries. This action was

filed at the Office of the Federal Register on February 21, 1997, and scheduled for publication in the Federal Register on February 27, 1997.

NMFS has determined that as of February 24, 1997, 7,835 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock by vessels catching pollock for processing by the offshore component in the AI of the BSAI effective 1200 hrs, A.l.t., February 26, 1997.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Current information shows the catching capacity of vessels catching pollock for processing by the offshore component is in excess of 5,500 mt per day.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. The Regional Administrator has determined that the remaining portion of the allocation to the offshore component would be underharvested if a 1200–hrs closure were allowed to occur.

In accordance with § 679.25(a)(1)(i), NMFS is adjusting the season for pollock by vessels catching pollock for processing by the offshore component in the AI of the BSAI. NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the AI at 2400 hrs, A.l.t., February 27, 1997.

NMFS is taking this action to prevent the underharvest of the pollock allocation to vessels catching pollock for processing by the offshore component in the AI of the BSAI as authorized by § 679.25(a)(2)(i)(C). In accordance with § 679.25(a)(2)(iii), NMFS has determined that closing the season at 2400 hrs, A.l.t., on February 27, 1997, is the least restrictive management adjustment to harvest the pollock allocated to vessels catching pollock for processing by the offshore component in the AI of the BSAI and will allow other fisheries to continue in noncritical areas and time periods.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, the pollock allocation for vessels catching pollock for processing by the offshore component in the AI of the BSAI would be underharvested, resulting in an economic loss of more than 1.5 million dollars. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 13, 1997.

All other closures remain in full force and effect.

Classification

This action is taken under § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 26, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–5170 Filed 2–26–97; 2:35 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 41
Monday, March 3, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1131

[DA–97–01]

Milk in the Central Arizona Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; suspension.

SUMMARY: This document invites written comments on a proposal to suspend indefinitely certain provisions of the Central Arizona Federal milk marketing order. This rule would continue a suspension that eliminates the requirement that a cooperative association that operates a manufacturing plant ship at least 50 percent of its receipts to other handler pool plants to maintain pool status of its manufacturing plant. United Dairymen of Arizona, a cooperative association that represents nearly all of the producers who supply milk to the Central Arizona market, has requested continuation of the suspension. The cooperative association asserts that the suspension is necessary to prevent the uneconomical and inefficient movement of milk.

DATES: Comments must be submitted on or before March 18, 1997.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456. Advance, unofficial copies of such comments may be faxed to (202) 690–0552 or e-mailed to OFB__FMMO__Comments@usda.gov. Reference should be given to the title of action and docket number.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368, e-mail address: CMCarman@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500 employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees. This rule would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provision of the order regulating the handling of milk in the Central Arizona marketing area is being considered for an indefinite period beginning April 1, 1997:

In § 1131.7(c), the words ''50 percent or more of'', ''(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)'', and ''or the previous 12-month period ending with the current month.''

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 15th day after publication of this notice in the Federal Register. The period for filing comments is limited to 15 days because a longer period would not provide the time needed to complete the required procedures before the requested suspension is to be effective.

All written submissions made pursuant to this notice will be made

available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would continue to suspend certain provisions of the Central Arizona order for an indefinite period beginning April 1, 1997. The proposed suspension would continue to remove the requirement that a cooperative association which operates a manufacturing plant in the marketing area must ship at least 50 percent of its milk supply during the current month or the previous 12-month period ending with the current month to other handlers' pool plants to maintain the pool status of its manufacturing plant.

The order permits a cooperative association's manufacturing plant, located in the marketing area, to be a pool plant if at least 50 percent of the producer milk of members of the cooperative association is physically received at pool plants of other handlers during the current month or the previous12-month period ending with the current month.

Continuation of the current suspension was requested by United Dairymen of Arizona (UDA), a cooperative association that represents nearly all of the dairy farmers who supply the Central Arizona market. UDA contends that the continued pool status of their manufacturing plant would be threatened if the suspension is not continued. UDA states that the same marketing conditions that warranted the suspension for the past two years still exist. UDA maintains that members who increased their milk production to meet the projected demands of fluid handlers for distribution into Mexico continue to suffer the adverse impact of the collapse of the Mexican peso. Absent a suspension, UDA projects that costly and inefficient movements of milk would have to be made to maintain pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area.

Accordingly, it may be appropriate to suspend the aforesaid provisions beginning April 1, 1997, for an indefinite period.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

The authority citation for 7 CFR Part 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: February 24, 1997.

Richard M. McKee,

Director, Dairy Division.

[FR Doc. 97–5114 Filed 2–28–97; 8:45 am]

BILLING CODE 3410–02–P

Rural Utilities Service

7 CFR Part 1717

RIN 0572–AB26

Settlement of Debt Owed by Electric Borrowers

AGENCY: Rural Utilities Service.

ACTION: Proposed rule.

SUMMARY: The Administrator of the Rural Utilities Service (RUS) hereby proposes to establish policies and standards for the settlement of debts and claims owed by rural electric borrowers. In addition to proposing policies and standards for debt settlement, the rule proposes RUS policy on subsequent loans to borrowers whose debt has been restructured.

DATES: Written comments must be received by RUS or carry a postmark or equivalent by May 2, 1997.

ADDRESSES: Written comments should be addressed to Monte Heppe, Jr., Director, Program Support and Regulatory Analysis, U.S. Department of Agriculture, Rural Utilities Service, Stop 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. RUS requires, in hard copy, a signed original and 3 copies of all comments (7 CFR 1700.30(e)). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Mr. Blaine D. Stockton, Jr., Assistant Administrator—Electric, U.S. Department of Agriculture, Rural Utilities Service, Stop 1560, 1400 Independence Avenue, SW., Washington, DC 20250–1560. Telephone: 202–720–9545.

SUPPLEMENTARY INFORMATION: This regulatory action has been determined to be significant for the purposes of Executive Order 12866, Regulatory Planning and Review, and therefore has been reviewed by the Office of Management and Budget (OMB). The Administrator of the Rural Utilities Service (RUS) has determined that a rule relating to the RUS electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and, therefore, the Regulatory Flexibility Act does not apply to this proposed rule. The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment. This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS electric loans and loan guarantees from coverage under this Order. This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in Sec. 3 of the Executive Order.

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850 Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325.

Background

On April 4, 1996, P.L. 104–127 amended section 331(b) of the Consolidated Farm and Rural Development Act (Con Act) to extend to RUS loans and loan guarantees the Secretary of Agriculture's authority to compromise, adjust, reduce, or charge-off debts or claims owed to the government (collectively, debt settlement). The amendment also extended to the security instruments, leases, contracts, and agreements administered by RUS, the Secretary's authority to adjust, modify, subordinate, or release the terms of those documents. The Secretary of Agriculture, in 7 CFR 2.47, has delegated authority under section 331(b) to the Administrator of RUS, with respect to loans made or guaranteed by RUS.

This proposed regulation proposes the policies, standards, and procedures the Administrator would use in settling (restructuring) debts and claims owed by rural electric borrowers.

Section 1717.1202 General Policy

This section proposes general policies for settling debts and claims. Four general policies are proposed:

1. Wherever possible, all debt and claims will be collected in full in accordance with its terms.

2. The rule by itself contains nothing that modifies or forgives debt or claims owed by a borrower. Any debt

settlement will require the explicit written approval of the Administrator.

3. The Administrator's authority to settle debts and claims will apply to cases where a borrower is unable to pay its debts and claims in accordance with their terms, and where settlement will maximize the recovery of debts and claims owed to the government.

4. The Administrator will consider several factors in structuring debt settlements and determining the amount of debt recovery that is possible. Among those factors are the Rural Electrification Act of 1936, the National Energy Policy Act of 1992, the policies and regulations of the Federal Energy Regulatory Commission (FERC), and other market and nonmarket forces that affect competition in the electric utility industry and, in particular, the rural electric segment of the industry.

Section 1717.1203 Relationship Between RUS and Department of Justice

The Administrator is required to notify the Attorney General whenever the Administrator intends to use his or her settlement authority. The Attorney General retains the authority under existing law to settle debts and claims against a borrower that is in bankruptcy or is otherwise involved in litigation with the government. In addition, any debt or claim that has been referred in writing to the Attorney General would not be settled under the Administrator's own authority.

Section 1717.1204 Policies and Conditions Applicable to Settlements

This section proposes specific policies, standards, and conditions applicable to debt settlements. These are in addition to the general principles proposed in § 1717.1202. The specific policies, standards, and conditions include the following:

- Documentation, analyses, and other actions would be required of the borrower to demonstrate that it is unable to pay its debts or claims in accordance with their terms, or that it will be unable to meet such obligations sometime within the 24 months following the borrower's application for relief, and that such default is likely to continue beyond the 24-month period.
- RUS could contract with an independent consultant of its choice to provide an analysis of the efficiency and effectiveness of the borrower's organization and operations, and those of its member systems in the case of a power supply borrower. The borrower (and its member systems in the case of a power supply borrower) could be required to share in the costs of the consultant. The scope of work of the independent consultant, reporting relationships, and the consultant's access to the borrower's records and staff are spelled out in § 1717.1204(b)(3).
- Debt settlement measures that could be used under proposed § 1717.1204 would include, but not be limited to, reamortization of debt; extension of debt maturity; reduction in the interest rate charged; forgiveness of interest accrued, penalties, and the government's cost of collection; and with the concurrence of the Under Secretary for Rural Development, forgiveness of loan principal. They would also include restructuring a borrower's obligations under a loan guaranteed by RUS, by RUS acquiring and restructuring the guaranteed loan, by restructuring the loan guarantee obligation and/or the borrower's reimbursement obligations, or by other means, subject to any consents or approvals required by the third party lenders.
- The borrower or the independent consultant could be required to solicit competitive bids for the borrower's system. The Administrator could use the competitive bids received as a basis for requiring the sale of all or part of the borrower's system as a condition of settlement of the borrower's debt. The Administrator could also consider the bids in evaluating alternative settlement measures.
- The Administrator would not grant debt relief unless similar relief, on a pro rata basis, is granted by other secured creditors of the borrower, or they provide other benefits or value to the restructuring. Unsecured creditors would also be expected to contribute to the restructuring. If it is not possible to obtain the expected contributions from other creditors, the Administrator could proceed to settle a borrower's debt if that would maximize recovery by the government and would not result in material benefits accruing to other creditors at the expense of the government.
- The Administrator could consider several methods for determining the value of a borrower's assets. In no case would the Administrator settle a debt or claim for less than the value (after considering collection costs) of the borrower's system and other collateral securing the debt or claim. In the case of a power supply borrower, the value of the wholesale power contracts between the borrower and its member systems would be considered. The valuation of the wholesale power contracts would take into account, among other matters, the rights of the government, and/or third parties, to assume the rights and obligations of the borrower under such contracts, to charge reasonable rates for service provided under the contracts, and to otherwise enforce the contracts in accordance with their terms.
- The Administrator would consider the rates charged for electric service by the borrower and, in the case of a power supply borrower, by its members, taking into account, among other factors, the practices of the Federal Energy Regulatory Commission (FERC), as adapted to the cooperative structure of borrowers, and, where applicable, FERC treatment of any investments by co-owners in projects jointly owned by the borrower.
- The Administrator would consider whether a settlement is favorable to the government in comparison with what can be recovered by enforced collection procedures.
- Before any settlement is approved, the borrower would be required to obtain all approvals required of regulatory bodies that are needed for the borrower to fulfill its obligations under the settlement.
- As a condition of debt settlement, the borrower, and in the case of a power supply borrower, its members, would be required to implement changes in management, operations, and performance if requested by the Administrator. The borrower could be required to undertake a corporate restructuring and/or sell a portion of its plant, facilities, or other assets. The borrower could also be required to replace senior management and/or hire outside experts acceptable to the Administrator. This could include a commitment by the borrower's board of directors to restructure and/or obtain new members on the board. The borrower could be required to accept controls on general funds, as well as on any investments, loans or guarantees, notwithstanding any limitations on RUS' control rights in the borrower's loan documents or RUS regulations. Certain actions could also be required of the borrower to perfect and protect the government's lien on cash deposits, securities, and other assets. In the case of a power supply borrower, the borrower could be required to obtain credit support as well as pledges and action plans from its members regarding changes in operations, management, and organizational structure to reduce the member's operating costs, improve their efficiency, and/or expand their markets and revenues.
- As a condition of debt settlement, a borrower could be required to convey some or all of its assets to the government.
- Finally, RUS will require that the borrower warrant and agree that no

bonuses or similar extraordinary compensation has been or will be provided, for reasons related to the settlement of government debt, to any officer or employee of the borrower or to other persons or entities identified by RUS. RUS may impose such other terms and conditions of debt settlement as RUS deems to be in the government's interests.

Section 1717.1205 Waiver of Existing Conditions on Borrowers

This section would allow the Administrator to waive or otherwise reduce conditions and requirements imposed on a borrower by its loan documents if the Administrator determines that that would enhance the recovery of debt by the government. Such waivers and reductions might include a variety of actions, but could not include the debt settlement measures proposed in paragraph (c) of § 1717.1204, which would be subject to all of the requirements of § 1717.1204.

Section 1717.1206 Loans Subsequent to Settlement

Under this section, in considering any loan request subsequent to a debt settlement, the Administrator would presume that credit support for the full amount of the requested loan is needed. The credit support could be in a number of forms, provided that they are acceptable to the Administrator.

Section 1717.1207 RUS Obligations Under Loan Guarantees

This section would clarify that RUS' obligations under loan guarantee commitments to the Federal Financing Bank (FFB) and other lenders are not affected by the proposed rule. For example, if RUS settles a guaranteed loan of the FFB, RUS' obligation under its guarantee to the FFB to make up any shortfall in payments on that loan would remain in force.

Section 1717.1208 Government's Rights Under Loan Documents

This section would clarify that the proposed rule does not limit, modify, or otherwise affect the rights of the government under the loan documents executed with borrowers, or under law or equity.

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) RUS is requesting comments on the information collection incorporated in this proposed rule.

Comment on this information collection must be received by May 2, 1997.

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; (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.

FOR FURTHER INFORMATION CONTACT: Dawn Wolfgang, Program Support and Regulatory Analysis, U.S. Department of Agriculture, Rural Utilities Service, Ag Box 1522, 1400 Independence Avenue, SW., Washington, DC 20250–1522. Telephone: 202–720–0812. FAX: 202–720–4120. E-mail: dwolfgan@rus.usda.gov.

Title: 7 CFR 1717 subpart Y, Settlement of Debt Owed by Electric Borrowers.

Type of request: New information collection.

Abstract: The information collection required by this proposed rule stems from passage of Pub. L. 104–127, which amended section 331(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*) to extend to RUS loans and loan guarantees the Secretary of Agriculture's authority to settle debts. Only those electric borrowers that are unable to fully repay their debts to the government and who apply to RUS for relief will be affected by this proposed information collection.

The proposed collection will require only that information which is essential for determining the need for debt settlement, the amount of debt the borrower can repay, the future scheduling of debt repayment, and the range of opportunities for enhancing the amount of debt that can be recovered. The information to be collected will be similar to that which any prudent lender would require to determine whether debt settlement is required and the amount of relief that is needed. Since the need for relief is expected to vary substantially from case to case, so will the required information collection.

Estimate of burden: Public reporting burden for this collection of information is estimated to average 3,000 hours per response.

Respondents: Businesses, including not for profit cooperatives and others.

Estimated number of respondents each year: 2.

Estimated number of responses per respondent: 1.

Estimated total annual burden on respondents: 6,000 hours.

Copies of this information collection can be obtained from Dawn Wolfgang, Program Support and Regulatory Analysis, Rural Utilities Service. Phone: 202–720–0812.

Send comments regarding this information collection requirement to the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Desk Officer, USDA, Room 10102 New Executive Office Building, Washington, DC 20503, and to Dawn Wolfgang, Program Support and Regulatory Analysis, U.S. Department of Agriculture, Rural Utilities Service, 1400 Independence Ave, SW, Ag Box 1522, Washington, DC 20250–1522.

Comments are best assured of receiving fullest consideration if OMB receives them within 30 days of publication in the Federal Register.

All comments will become a matter of public record.

List of Subjects in 7 CFR Part 1717

Administrative practice and procedure, Claims, Electric power, Electric utilities, Intergovernmental relations, Investments, Lien accommodation, Lien subordination, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

For reasons explained in the preamble, RUS proposes to amend 7 CFR chapter XVII by amending part 1717 as follows:

PART 1717—POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1717 is revised to read as follows:

Authority: 7 U.S.C. 901–950b, 1981; Pub. L. 99–591, 100 Stat. 3341–16; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*), unless otherwise noted.

2. Subparts T through X are added and reserved and subpart Y is added to read as follows:

Subpart T—[Reserved]

Sec.
1717.950—1717.999 [Reserved]

Subpart U—[Reserved]

Sec.
1717.1000—1717.1049 [Reserved]

Subpart V—[Reserved]

Sec.
1717.1050—1717.1099 [Reserved]

Subpart W—[Reserved]

Sec.
1717.1100—1717.1149 [Reserved]

Subpart X—[Reserved]

Sec.
1717.1150—1717.1199 [Reserved]

Subpart Y—Settlement of Debt

Sec.
1717.1200 Purpose and scope.
1717.1201 Definitions.
1717.1202 General policy.
1717.1203 Relationship between RUS and Department of Justice.
1717.1204 Policies and conditions applicable to settlements.
1717.1205 Waiver of existing conditions on borrowers.
1717.1206 Loans subsequent to settlement.
1717.1207 RUS obligations under loan guarantees.
1717.1208 Government's rights under loan documents.

Subpart T—[Reserved]

§§ 1717.950—1717.999 [Reserved]

Subpart U—[Reserved]

§§ 1717.1000—1717.1049 [Reserved]

Subpart V—[Reserved]

§§ 1717.1050—1717.1099 [Reserved]

Subpart W—[Reserved]

§§ 1717.1100—1717.1149 [Reserved]

Subpart X—[Reserved]

§§ 1717.1150—1717.1199 [Reserved]

Subpart Y—Settlement of Debt

§ 1717.1200 Purpose and scope.

(a) Section 331(b) of the Consolidated Farm and Rural Development Act (Con Act), as amended on April 4, 1996 by Public Law 104–127 (7 U.S.C. 1981), grants authority to the Secretary of Agriculture to compromise, adjust, reduce, or charge-off debts or claims arising from loans made or guaranteed under the Rural Electrification Act of 1936, as amended (RE Act). Section 331(b) of the Con Act also authorizes the Secretary of Agriculture to adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Rural Utilities Service (RUS). The Secretary, in 7 CFR 2.47, has delegated authority under section 331(b) of the Con Act to the Administrator of the RUS, with respect to loans made or guaranteed by RUS.

(b) This subpart sets forth the policy and standards of the Administrator of RUS with respect to the settlement of debts and claims arising from loans made or guaranteed to rural electric borrowers under the RE Act. Nothing in this subpart limits the Administrator's authority under section 12 of the RE Act.

§ 1717.1201 Definitions.

Terms used in this subpart that are not defined in this section have the meanings set forth in 7 CFR part 1710. In addition, for the purposes of this subpart:

Attorney General means the Attorney General of the United States of America.

Claim means any claim of the government arising from loans made or guaranteed under the RE Act.

Con Act means the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*).

Debt means outstanding debt of a rural electric borrower (including principal, accrued interest, penalties, and the government's costs of debt collection) owed to the government and arising from loans made or guaranteed under the RE Act.

Enforced collection procedures means any procedures available to the Administrator for the collection of debt that are authorized by law, in equity, or under the borrower's loan documents or other agreements with RUS.

Loan documents means the mortgage (or other security instrument acceptable to RUS), the loan contract, and the promissory note entered into between the borrower and RUS.

RE Act means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950b).

Restructure means to settle a debt or claim.

Settle means to reamortize, adjust, compromise, reduce, or charge-off debt or claims owed to the government by rural electric borrowers.

§ 1717.1202 General policy.

(a) It is the policy of the Administrator that, wherever possible, all debt owed shall be collected in full in accordance with the terms of the borrower's loan documents.

(b) Nothing in this subpart by itself modifies, reduces, waives, or eliminates any obligation of a borrower under its loan documents. Any such modifications regarding the debt owed by a borrower may be granted under the authority of the Administrator only by means of the explicit written approval of the Administrator in each case.

(c) The Administrator's authority to settle debts and claims will apply to cases where a borrower is unable to pay its debts and claims in accordance with their terms, and where settlement will maximize the recovery of debts and claims owed to the government.

(d) In structuring settlements and determining the amount of debt recovery that is possible, the Administrator will consider, among other factors, the RE Act, the National Energy Policy Act of 1992 (Public Law 102–486, 106 Stat. 2776), the policies and regulations of the Federal Energy Regulatory Commission, and other market and nonmarket forces as to their effects on competition in the electric utility industry and on rural electric systems in particular.

§ 1717.1203 Relationship between RUS and Department of Justice.

(a) The Attorney General will be notified by the Administrator whenever the Administrator intends to use his or her authority under section 331(b) of the Con Act to settle a debt or claim.

(b) If a claim has been referred in writing to the Attorney General, the Administrator will not use his or her own authority to settle the claim.

§ 1717.1204 Policies and conditions applicable to settlements.

(a) *General.* Settlement of debts and claims shall be subject to the policies, requirements, and conditions set forth in this section and in § 1717.1202.

(b) *Need for debt settlement.* (1) The Administrator will not settle any debt or claim unless the Administrator has determined that the borrower is unable to meet its financial obligations under its loan documents according to the terms of those documents, or that the borrower will not be able to meet said obligations sometime within the period of 24 months following the borrower's application for relief, and such default is likely to continue beyond the 24 month period. The determination of a borrower's ability to meet its financial obligations will be based on analyses and documentation by RUS of the borrower's historical, current, and projected costs, revenues, cash flows, assets, and other factors that may be relevant on a case by case basis.

(2) The borrower must provide to RUS, in form and substance satisfactory to RUS, an in-depth analysis supporting the borrower's contention that it is unable or will not be able to meet its financial obligations as described in paragraph (b)(1) of this section. The analysis must include:

(i) An explanation and analysis of the causes of the borrower's inability to meet its financial obligations;

(ii) A thorough review and analysis of the opportunities available or potentially available to the borrower to reduce administrative overhead and other costs, improve efficiency and effectiveness, and expand markets and revenues, including but not limited to opportunities for sharing services, merging, and/or consolidating. In the case of a power supply borrower, the study shall include such opportunities among the members of the borrower;

(iii) Documentation of the actions taken, in progress, or planned by the borrower (and its member systems, if applicable) to take advantage of the opportunities cited in paragraph (b)(2)(ii) of this section; and

(iv) Other analyses and documentation prescribed by RUS on a case by case basis.

(3) RUS may require that an independent consultant provide an analysis of the efficiency and effectiveness of the borrower's organization and operations, and those of its member systems in the case of a power supply borrower. The following conditions will apply:

(i) RUS will select the independent consultant taking into account, among other matters, the consultant's experience and expertise in matters relating to electric utility operations, finance, and restructuring;

(ii) The contract with the consultant shall be to provide services to RUS on such terms and conditions as RUS deems appropriate. The consultant's scope of work may include, but shall not be limited to, an analysis of the following:

(A) How to maximize the value of the government's collateral, such as through mergers, consolidations, or sales of all or part of the collateral;

(B) The viability of the borrower's system, taking into account such matters as system size, service territory and markets, asset base, physical condition of the plant, operating efficiency, competitive pressures, industry trends, and opportunities to expand markets and improve efficiency and effectiveness;

(C) The feasibility and the potential benefits and risks to the borrower and the government of corporate restructuring, including aggregation and disaggregation;

(D) In the case of a power supply borrower, the retail rate mark-up by member systems and the potential benefits to be achieved by member restructuring through mergers, consolidations, shared services, and other alliances;

(E) The quality of the borrower's management, management advisors, consultants, and staff;

(F) Opportunities for reducing overhead and other costs, for realizing economies through marketing, and for improving the borrower's existing and prospective contractual arrangements for the purchase and sale of power and the operation of plant and facilities; and

(G) The accuracy and completeness of the borrower's analysis provided under paragraph (b)(2) of this section;

(iii) RUS and, as appropriate, other creditors, will determine the extent to which the borrower and third parties (including the members of a power supply borrower) will be required to participate in funding the costs of the independent consultant;

(iv) The borrower will be required to make available to the consultant all corporate documents, files, and records, and to provide the consultant with access to key employees. The borrower will also normally be required to provide the consultant with office space convenient to the borrower's operations and records; and

(v) All analyses, studies, opinions, memoranda, and other documents and information produced by the independent consultant shall be provided to RUS on a confidential basis for consideration in evaluating the borrower's application for debt settlement. Such documents and information may be made available to the borrower and other appropriate parties if authorized in writing by RUS.

(4) The borrower may be required to employ a temporary or permanent manager acceptable to the Administrator, to manage the borrower's operations to ensure that all actions are taken to avoid or minimize the need for debt settlement. The employment could be on a temporary basis to manage the system during the time the debt settlement is being considered, and possibly for some time after any debt settlement, or it could be on a permanent basis.

(c) *Debt settlement measures.* (1) If the Administrator determines that debt settlement is appropriate, the debt settlement measures the Administrator will consider under this subpart with respect to direct, insured, or guaranteed loans include, but are not limited to, the following:

(i) Reamortization of debt;

(ii) Extension of debt maturity, provided that the weighted average life of the restructured debt shall not exceed the weighted average of the expected remaining useful lives of the assets pledged as security for said debt;

(iii) Reduction of the interest rate charged on the borrower's debt, provided that the interest rate on any portion of the restructured debt shall not be reduced to less than 5 percent;

(iv) Forgiveness of interest accrued, penalties, and costs incurred by the government to collect the debt; and

(v) With the concurrence of the Under Secretary for Rural Development, forgiveness of loan principal.

(2) In the event that RUS has, under section 306 of the RE Act, guaranteed loans made by the Federal Financing Bank or other third parties, the Administrator may restructure the borrower's obligations by acquiring and restructuring the guaranteed loan, by restructuring the loan guarantee obligation, by restructuring the borrower's reimbursement obligations, or by such means as the Administrator deems appropriate, subject to such consents and approvals, if any, that may be required by the third party lender.

(d) *Debt owed by other creditors.* The Administrator will not grant relief on debt owed to the government unless similar relief, on a pro rata basis, is granted with respect to other secured debt owed by the borrower, or the other secured creditors provide other benefits or value to the debt restructuring. Unsecured creditors will also be expected to contribute to the restructuring. If it is not possible to obtain the expected contributions from other creditors, the Administrator may proceed to settle a borrower's debt if that will maximize recovery by the government and will not result in material benefits accruing to other creditors at the expense of the government.

(e) *Competitive bids for system assets.* If requested by RUS, the borrower or the independent consultant provided for in paragraph (b)(3) of this section shall solicit competitive bids from potential buyers of the borrower's system or parts thereof. The bidding process must be conducted in consultation with RUS and use standards and procedures acceptable to RUS. The Administrator may use the competitive bids received as a basis for requiring the sale of all or part of the borrower's system as a condition of settlement of the borrower's debt. The Administrator may also consider the bids in evaluating alternative settlement measures.

(f) *Valuation of system.* (1) The Administrator will consider the value of the borrower's system, including, in the case of a power supply borrower, the wholesale power contracts between the borrower and its member systems. The

valuation of the wholesale power contracts shall take into account, among other matters, the rights of the government, and/or third parties, to assume the rights and obligations of the borrower under such contracts, to charge reasonable rates for service provided under the contracts, and to otherwise enforce the contracts in accordance with their terms. In no case will the Administrator settle a debt or claim for less than the value (after considering collection costs) of the borrower's system and other collateral securing the debt or claim.

(2) RUS may use such methods, analyses, and assessments as the Administrator deems appropriate to determine the value of the borrower's system.

(g) *Rates.* The Administrator will consider the rates charged for electric service by the borrower and, in the case of a power supply borrower, by its members, taking into account, among other factors, the practices of the Federal Energy Regulatory Commission (FERC), as adapted to the cooperative structure of borrowers, and, where applicable, FERC treatment of any investments by co-owners in projects jointly owned by the borrower.

(h) *Collection action.* The Administrator will consider whether a settlement is favorable to the government in comparison with the amount that can be recovered by enforced collection procedures.

(i) *Regulatory approvals.* Before the Administrator will approve a settlement, the borrower must provide satisfactory evidence that it has obtained all approvals required of regulatory bodies that are needed to implement rates or other provisions of the settlement, or that are needed in any other way for the borrower to fulfill its obligations under the settlement.

(j) *Conditions regarding management and operations.* As a condition of debt settlement, the borrower, and in the case of a power supply borrower, its members, will be required to implement those changes in structure, management, operations, and performance deemed necessary by the Administrator. Those changes may include, but are not limited to, the following:

(1) The borrower may be required to undertake a corporate restructuring and/or sell a portion of its plant, facilities, or other assets;

(2) The borrower may be required to replace senior management and/or hire outside experts acceptable to the Administrator. Such changes may include a commitment by the borrower's board of directors to restructure and/or obtain new membership to improve board oversight and leadership;

(3) The borrower may be required to agree to:

(i) Controls by RUS on the general funds of the borrower, as well as on any investments, loans or guarantees by the borrower, notwithstanding any limitations on RUS' control rights in the borrower's loan documents or RUS regulations; and

(ii) Requirements deemed necessary by RUS to perfect and protect its lien on cash deposits, securities, equipment, vehicles, and other items of real or non-real property; and

(4) In the case of a power supply borrower, the borrower may be required to obtain credit support from its member systems, as well as pledges and action plans by the members to change their operations, management, and organizational structure (e.g., shared services, mergers, or consolidations) in order to reduce operating costs, improve efficiency, and/or expand markets and revenues.

(k) *Conveyance of assets.* As a condition of a settlement, a borrower may be required to convey some or all its assets to the government.

(l) *Additional conditions.* The borrower will be required to warrant and agree that no bonuses or similar extraordinary compensation has been or will be provided, for reasons related to the settlement of government debt, to any officer or employee of the borrower or to other persons or entities identified by RUS. The Administrator may impose such other terms and conditions of debt settlement as the Administrator determines to be in the government's interests.

§ 1717.1205 Waiver of existing conditions on borrowers.

Pursuant to section 331(b) of the Con Act, the Administrator, at his or her sole discretion, may waive or otherwise reduce conditions and requirements imposed on a borrower by its loan documents if the Administrator determines that such action will contribute to enhancement of the government's recovery of debt. Such waivers or reductions in conditions and requirements under this section shall not include the exercise of any of the debt settlement measures set forth in § 1717.1204(c), which are subject to all of the requirements of § 1717.1204.

§ 1717.1206 Loans subsequent to settlement.

In considering any future loan requests from a borrower whose debt has been restructured (settled), it will be presumed that credit support for the full amount of the requested loan will be required. Such support may be in a number of forms, provided that they are acceptable to the Administrator on a case by case basis. They may include, but need not be limited to, equity infusions and guarantees of debt repayment, either from the applicant's members (in the case of a power supply borrower), or from a third party.

§ 1717.1207 RUS obligations under loan guarantees.

Nothing in this subpart affects the obligations of RUS under loan guarantee commitments it has made to the Federal Financing Bank or other lenders.

§ 1717.1208 Government's rights under loan documents.

Nothing in this subpart limits, modifies, or otherwise affects the rights of the government under loan documents executed with borrowers, or under law or equity.

Dated: February 24, 1997.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 97–5137 Filed 2–28–97; 8:45 am]

BILLING CODE 3410–15–P

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 130

[Docket No. 95–057–2]

Importation of Pet Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule that would have made several changes to the regulations for importing pet birds into the United States. We are withdrawing the proposed rule after considering the comments we received following the publication of the proposed rule.

FOR FURTHER INFORMATION CONTACT: Dr. Tracye R. Butler, Staff Veterinarian, Import-Export Animals, National Center for Import-Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–5097.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1996, we published in the Federal Register (61 FR 43188–43193, Docket No. 95–057–1) a proposal to amend the regulations in 9 CFR part 92 by removing the requirement for veterinary inspection at the port of entry for all pet birds imported from Canada, including pet birds of U.S. origin that

have been in Canada. We also proposed to remove the requirement that such birds may only be imported through a designated port. For pet birds of Canadian origin, we proposed to add the requirement that the birds be accompanied by a veterinary health certificate issued by Agriculture Canada. We also proposed to allow pet birds imported from countries other than Canada to be maintained under home quarantine for 30 days rather than be quarantined for 30 days at a facility operated by the U.S. Department of Agriculture (USDA). For pet birds of U.S. origin, we proposed to allow microchip implants as a form of permanent identification. We also proposed to amend the regulations in 9 CFR part 130, concerning user fees, to reflect our proposal that pet birds imported from any country could now undergo home quarantine, and should be charged the appropriate user fee for home quarantine services. We proposed these actions in order to facilitate the importation of pet birds, while continuing to provide protection against the introduction of communicable diseases into the United States.

We solicited comments concerning our proposal for 60 days ending October 21, 1996. We received 16 comments by that date. They were from veterinarians, humane organizations, environmental interest groups, raptor breeders and associations, and falconers. Ten of the comments supported the proposed rule, but requested minor changes, mostly concerning special considerations in the importation of raptors from Canada. The remainder of the comments opposed the proposed rule, expressing concerns regarding allowing home quarantine for pet birds imported from countries other than Canada and removing the requirement for veterinary inspection at the port of entry for pet birds imported from Canada. Specifically, commenters said that most pet bird owners would not necessarily recognize the signs of disease in their pet birds under home quarantine, that home quarantine would not include any tests for disease or precautionary medication (as is administered when a pet bird undergoes quarantine at a USDA-operated facility), and that the proposal did not include adequate provisions to ensure that pet bird owners comply with the home quarantine requirements. Commenters were also concerned that removing veterinary inspection at the port of entry for pet birds from Canada would increase the opportunities for exotic birds to be smuggled illegally into the United States.

After considering all the comments we received, we have concluded that it is necessary to reexamine the need for relieving restrictions on the importation of pet birds and the disease risks associated with the importation of pet birds into the United States. Therefore, we are withdrawing the August 21, 1996, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered if any new proposed regulations regarding the importation of pet birds are developed.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 26th day of February 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–5161 Filed 2–28–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–126–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain CASA Model CN–235 series airplanes. This proposal would require a one-time inspection to detect fatigue cracking in the area of the center wing-to-fuselage attachment fitting, and repair, if necessary. This proposal also would require installation of a reinforcing plate in the attachment area of that fitting. This proposal is prompted by a report from the manufacturer indicating that, during full-scale fatigue testing, fatigue cracks were detected in this area. The actions specified by the proposed AD are intended to prevent fatigue cracking, which consequently could reduce the structural integrity of this area.

DATES: Comments must be received by April 10, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–126–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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149

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 Number96–NM–126–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.96–NM–126–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, recently notified the FAA that an unsafe condition may exist on certain CASA Model CN–235 series airplanes. The DGAC advises that it has received a report from the manufacturer indicating that, during full-scale fatigue testing, fatigue cracks were detected on the test article in the area of the center wing-to-fuselage attachment fitting. This condition, if not prevented, could reduce the structural integrity of this area.

Explanation of Relevant Service Information

CASA has issued Service Bulletin SB–235–53–20, Revision 2, dated June 9, 1994 (for non-military airplanes), and Service Bulletin SB–235–53–20M, Revision 1, dated November 27, 1995 (for military airplanes). Both service bulletins describe procedures for installing a reinforcing plate in the attachment area of the center wing-to-fuselage attachment fitting. Installation of the reinforcing plate will preclude the development of fatigue cracking in the attachment area.

The DGAC classified CASA Service Bulletin SB–235–53–20 as mandatory and issued Spanish airworthiness directive 03/94, dated August 1994, in order to assure the continued airworthiness of these airplanes in Spain.

FAA's Conclusions

This airplane model is manufactured in Spain and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time inspection to detect cracking in the area where the center wing-to-fuselage attachment fitting is located, and repair, if necessary. The proposed AD also would require installation of a reinforcing plate in the attachment area of the center wing-to-fuselage attachment fitting, after inspection and any necessary repairs have been accomplished. The installation of the reinforcing plate would be required to be accomplished in accordance with the applicable service bulletin described previously.

Differences Between the Proposed Rule and the Applicable Service Bulletin

Operators should note that this proposed AD would require that a one-time visual inspection be conducted immediately prior to the installation of the reinforcing plate. Any necessary repairs would be required to be accomplished in a manner approved by the FAA. CASA Service Bulletins SB–235–53–20 and SB–235–53–20M do not provide for procedures for conducting such an inspection or necessary repairs.

The FAA has determined that, due to the safety implications and consequences associated with fatigue cracking in this area, any such cracking must be repaired prior to further flight and the installation of the reinforcing plate.

Cost Impact

The FAA estimates that 2 CASA Model CN–235 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 25 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $645 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operator is estimated to be $4,290, or $2,145 per airplane.

The cost impact figure discussed above is 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:

Construcciones Aeronauticas, S.A. Casa: Docket 96–NM–126–AD.

Applicability: Model CN–235 series airplanes; as listed in CASA Service Bulletin SB–235–53–20, Revision 2, dated June 9, 1994 (for non-military airplanes); and Service Bulletin SB–235–53–20M, Revision 1, dated November 27, 1995 (for military airplanes); 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 (c) 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 fatigue cracking in the area of the center wing-to-fuselage attachment fitting, which consequently could reduce the structural integrity of this area, accomplish the following:

(a) For non-military airplanes: Prior to the accumulation of 17,000 total landings, accomplish the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD:

(1) Remove all parts and other items in the area of the center wing-to-fuselage attachment fitting, in accordance with Paragraph 2.B. (''Removal'') of the Accomplishment Instructions of CASA Service Bulletin SB–235–53–20, Revision 2, dated June 9, 1994.

(2) After all parts and other items have been removed in accordance with paragraph (a)(1) of this AD, conduct a visual inspection, using a magnifier of at least 10x magnitude, to detect fatigue cracking in this area (ref: Figure 1, Sheet 1, of the service bulletin). If any cracking is detected, prior to further flight and prior to installing the reinforcing plate in accordance with paragraph (a)(3) of this AD, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Install a reinforcing plate having CASA part number (P/N) 35–25010–0101 in the attachment area of the center wing-to-fuselage attachment fitting, in accordance with the service bulletin.

(b) For military airplanes: Prior to the accumulation of 15,000 total landings, accomplish the actions specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD:

(1) Remove all parts and other items in the area of the center wing-to-fuselage attachment fitting, in accordance with Paragraph 2.B. (''Removal'') of the Accomplishment Instructions of CASA Service Bulletin SB–235–53–20M, Revision 1, dated November 27, 1995.

(2) After all parts and other items have been removed in accordance with paragraph (b)(1) of this AD, conduct a visual inspection, using a magnifier of at least 10x magnitude, to detect fatigue cracking in this area (ref: Figure 1, Sheet 1, of the service bulletin). If any cracking is detected, prior to further flight and prior to installing the reinforcing plate in accordance with paragraph (b)(3) of this AD, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA.

(3) Install a reinforcing plate having CASA part number (P/N) 35–25010–0101 in the attachment area of the center wing-to-fuselage attachment fitting, in accordance with the service bulletin.

(c) 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. 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, FAA, Transport Airplane Directorate.

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.

(d) 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 25, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–5160 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–CE–24–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2A and BN–2A Mk 111 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 75–24–07 R1, which currently requires repetitively inspecting the left-hand (LH) rudder bar assembly for cracks and loose fasteners on certain Pilatus Britten-Norman Ltd. BN–2A and BN–2A Mk 111 series airplanes, and replacing any cracked part. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate certain repetitive short-interval inspections when improved parts or modifications are available. The proposed action would require inspecting the LH rudder bar assembly, determining the wall thickness of the slider tube unit, modifying the rudder bar assembly by replacing the LH slider tube with a new strengthened slider tube unit as terminating action for the repetitive inspections that are currently required by AD 75–24–07 R1. The actions specified in the proposed AD are intended to prevent failure of the pilot's rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Comments must be received on or before May 5, 1997.

ADDRESSES: Submit comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE–24-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44–1983 872511; facsimile 44–1983 873246. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Rodriguez, Program Officer, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 508.2715; facsimile (322) 230.6899; or Mr. S. M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

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 should 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 that summarizes 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 No. 96-CE–24-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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE–24-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has determined that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences if the known problem is not detected during the inspection; (2) the probability of the problem not being detected during the inspection; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

These factors have led the FAA to establish an aging commuter-class aircraft policy that requires incorporating a known design change when the change could replace a critical repetitive inspection. With this policy in mind, the FAA recently conducted a review of existing ADs that apply to certain Pilatus Britten-Norman Ltd. (PBN) BN–2A and BN–2A Mk 111 series airplanes. Assisting the FAA in this review were (1) Pilatus Britten-Norman Ltd.; (2) the Regional Airlines Association (RAA); (3) the Civil Aviation Authority of the United Kingdom; and, (4) several operators of the affected airplanes.

From this review, the FAA has identified Airworthiness Directive 75–24–07 R1, Amendment 39–4571, as one that should be superseded with a new AD that would require a modification eliminating the need for short-interval and critical repetitive inspections. AD 75–24–07 R1 currently requires repetitively inspecting the LH rudder bar assembly for cracks and loose fasteners on certain PBN BN–2A and BN–2A Mk 111 series airplanes, and replacing any cracked part.

Related Service Information

Pilatus Britten-Norman, Ltd. has issued Service Bulletin (SB) No. BN–2/SB. 111, Issue: 1, dated October 25, 1977 and SB BN–2/SB.56, Issue 2, dated February 13, 1978 which specifies procedures for installing Modification NB/M/948 which is a new, strengthened LH slider tube unit that does not require the repetitive inspection of AD 75–24–07 R1.

FAA's Determination

Based on its aging commuter-class aircraft policy and after reviewing all available information, the FAA has determined that AD action should be taken to eliminate the repetitive short-interval inspections required by AD 75–24–07 R1, Amendment 39–4571, and to prevent failure of the LH rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other PBN BN–2A and BN–2A Mk 111 series airplanes of the same type design, the proposed AD would supersede AD 75–24–07 R1 with a new AD that would require:

(1) Inspecting for cracks in the LH rudder bar assembly using a dye penetrant method, and measuring the thickness of the slider tube to determine the applicability of the proposed action, either .056-inch (17 gauge) or .036-inch (20 gauge),

(2) Repetitively inspecting for cracks until the accumulation of a determined number of landings, then accomplishing Modification NB/M/948 by installing a new, strengthened central piller/slider tube assembly, part number (P/N) NB–45–A1–2975, and

(3) If cracks are found during any inspection, prior to further flight, accomplish Modification NB/M/948 by installing P/N NB–45–A1–2975.

The proposed actions would be accomplished in accordance with Pilatus SB No. BN–2/SB. 111, Issue: 1, dated October 25, 1977, and Pilatus SB No. BN–2/SB.56, Issue 2, dated February 13, 1978.

Proposed Compliance Time

For airplanes equipped with the thinner (20 gauge) slider tubes, the proposed AD would require accomplishing the modification upon the total accumulation of 2,500 landings, or within the next 500 landings after the effective date of the proposed action, whichever occurs later; and for airplanes equipped with the thicker (17 gauge) slider tubes, the proposed AD would require accomplishing the modification within the next 500 landings after the effective date of the proposed action or upon the total accumulation of 5,000 landings, whichever occurs later.

Note: If the operator has not recorded the number of landings, they can be figured by calculating 3 landings per 1 hour time-in-service.

Cost Impact

The FAA estimates that 109 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 15 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $560 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $159,140 or $1,460 per airplane. The FAA has no way to determine the number of affected owners/operators who may have accomplished the proposed action and therefore must assume that none of the affected owners/operators of the affected airplanes have accomplished the proposed action.

The Proposed Action's Impact Utilizing the FAA's Aging Commuter Class Aircraft Policy

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 109 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 30 percent are operated in scheduled passenger service by 11 different operators. A significant number of the remaining 70 percent are operating in other forms of air transportation such as air cargo and air taxi.

The average utilization of the fleet for those airplanes in commercial commuter service is approximately 20 to 40 landings per week with approximately 3 landings per 1 hour TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within approximately 3 to 5 calendar months after the proposed AD would become effective. For private owners, who typically operate their airplanes between 100 to 200 landings per year, this would allow 12 to 25 years before the proposed modification would be mandatory.

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 action (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) 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 has been placed 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 14 CFR part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for part 39 continues to read as follows:

PART 39—AIRWORTHINESS DIRECTIVES

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD), 75–24–07 R1, Amendment 39–4571, and by adding a new AD to read as follows:

Pilatus Britten-Norman: Docket No. 96–CE–24–AD; Supersedes AD 75–24–07 R1, Amendment 39–4571.

Applicability: BN–2A and BN–2A Mk 111 airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (d) 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 after the effective date of this AD, unless already accomplished. For operators who have not kept records of the landings of the airplane, use 3 landings per 1 hour time-in-service (TIS).

To prevent failure of the left-hand (LH) rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Within the next 500 landings after the effective date of this AD, inspect the LH rudder bar unit for cracks (using a dye penetrant method), and measure the thickness/gauge of the LH slider tube in accordance with paragraph 1. of the ACTION Inspection section of Pilatus Britten-Norman (PBN) Service Bulletin (SB) No. BN–2/SB.111, Issue 1, dated October 25, 1977 or paragraphs 1 through 3 in the ACTION section of PBN BN–2/SB.56, Issue 2, dated February 13, 1978.

(1) If no cracks are visible, accomplish the following in accordance with paragraph 3a. and 3b. of the ACTION Inspection section of PBN SB No. BN–2/SB.111, dated October 25, 1977:

(i) For airplanes that have slider tubes with 17 gauge metal (.056-inch thick), continue to inspect the LH rudder bar assembly for cracks every 500 landings and,

(ii) Upon the total accumulation of 5,000 landings or within the next 500 landings after the effective date of this AD, whichever occurs later, accomplish Modification NB/M/948 by installing a new, strengthened slider tube unit, part number (P/N) NB–45-A1–2975, in accordance with the ACTION Rectification section of PBN SB BN–2/SB.111, dated October 25, 1977.

(iii) For airplanes that have slider tubes with 20 gauge metal (.036-inch) continue to inspect the LH rudder bar assembly for cracks every 250 landings and,

(iv) Upon the total accumulation of 2,500 landings or within the next 500 landings after the effective date of this AD, whichever occurs later, accomplish Modification NB/M/948 by installing a new, strengthened slider tube unit, part number (P/N) NB–45-A1–2975, in accordance with the ACTION Rectification section of PBN SB BN–2/SB.111, dated October 25, 1977.

(2) If cracks are visible during any inspection required by this AD, prior to further flight, accomplish Modification NB/M/948 in accordance with the ACTION Rectification section of PBN SB BN–2/SB.111, dated October 25, 1977.

(b) Accomplishing Modification NB/M/948 using P/N NB–45-A1–2975 at any time prior to the required number of accumulated landings in paragraphs (a)(1)(ii) and (iv) of this AD is terminating action for the repetitive inspections.

(c) 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.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; or the Manager, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division or the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division or the Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44–1983 872511; facsimile 44–1983 873246; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 75–24–07 R1, Amendment 39–4571.

Issued in Kansas City, Missouri, on February 24, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–5157 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 97–AEA–04]

Proposed Establishment of Class E Airspace; Warren, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E airspace at Warren, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS) and serving Warren General Hospital Heliport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations to the heliport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before April 10, 1997.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 97–AEA–04, 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–04''. 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 NPRM's 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 Warren, PA. A GPS 314 Point in Space SIAP has been developed to serve Warren General Hospital Heliport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the helistop. 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 Warren, PA [New]

Warren General Hospital Heliport, PA
Point In Space Coordinates
(Lat. 41°50′03″ N., long. 79°08′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Warren General Hospital Heliport.

* * * * *

Issued in Jamaica, New York, on February 20, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–5051 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 97–AEA–07]

Proposed Establishment of Class E Airspace; Frostburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E airspace at Frostburg, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), and Serving Punxsutawney Area Hospital Heliport, has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations to the heliport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before April 15, 1997.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 97–AEA–07, 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–07''. 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 NPRM's 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 Frostburg, PA.A GPS 039 Point In Space Approach has been developed for Punxsutawney Area Hospital Heliport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this approach and for IFR operations to the heliport. 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 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 Frostburg, PA [New]

Punxsutawney Area Hospital Heliport, PA
Point In Space Coordinates
(Lat. 40°57′04″ N., long. 79°01′24″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Punxsutawney Area Hospital Heliport, excluding that portion that coincides with the Punxsutawney, PA Class E airspace area.

* * * * *

Issued in Jamaica, New York, on February 19, 1997

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–5052 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 97–AEA–11]

Proposed Establishment of Class E Airspace; Kittanning, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E airspace at Kittanning, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS), and serving Armstrong County Memorial Hospital Heliport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace 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 April 10, 1997.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Operations Branch AEA–530, docket No. 97–AEA–11, 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 Int'l 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 Int'l 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 Int'l Airport, Jamaica, NY 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–11''. 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 Assistance 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 NPRM's 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 Kittanning, PA. A GPS 039 Point In Space Approach has been developed to serve Armstrong County Memorial Hospital Heliport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this approach and for IFR operations to the heliport. 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 purposes 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 Kittanning, PA [New]

Armstrong County Memorial Hospital Heliport, PA
Point In Space Coordinates
(Lat. 40°47′49″ N., long 79°34′18″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Armstrong County Memorial Hospital Helistop.

* * * * *

Issued in Jamaica, New York, on February 19, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–5053 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 97–AEA–09]

Proposed Establishment of Class E Airspace; Donora, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E airspace at Donora, PA. The Development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), and serving Monongahela Valley Hospital Heliport, has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations to the heliport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before April 10, 1997.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 97–AEA–09, 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, NY 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, NY 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–09''. 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 NPRM's 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 Donora, PA.A GPS 349 Point In Space Approach has been developed to serve the Monogahela Valley Hospital Heliport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this approach and for IFR operations to the heliport. 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 Donora, PA [New]

Monongahela Valley Hospital Heliport, PA
Point In Space Coordinates
(Lat. 40°10′26″ N, long. 79°54′29″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Monongahela Valley Hospital Heliport, excluding that portion that coincides with the Monongahela, PA Class E airspace and the Pittsburgh PA Class E airspace area.

* * * * *

Issued in Jamaica, New York, on February 20, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–5055 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 97–AWP–7]

Proposed Revocation of Class E Airspace; Goffs, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the Class E airspace areas at Goffs, CA. This action is being taken because these airspace areas are presently described within the Bullhead City, AZ, Class E airspace area. The intended effect of this action is to revoke the controlled airspace since the purpose and requirements for these airspace areas no longer exist at Goffs, CA.

DATES: Comments must be received on or before March 31, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP–530, Docket No. 97–AWP–7, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business at the Office of the Manager, Operations Branch, Air Traffic Division at the above address.

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:

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 the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AWP–7.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or 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 light of comments received. All comments submitted will be available for examination in the Operations Branch. Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Operations Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revoking the Class E airspace areas at Goffs, CA. This proposed action is taken because the Class E airspace areas at Goffs, CA, are presently described within the Class E airspace areas at Bullhead City, CA. The intended effect of this action is to revoke controlled airspace since the purpose and requirements for these airspace areas no longer exist at Goffs, CA. 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 would be removed subsequently in this 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 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 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 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 Goffs North, CA [Removed]

AWP CA E5 Goffs South, CA [Removed]

* * * * *

Issued in Los Angeles, California, on February 11, 1997.

Leonard A. Mobley,

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

[FR Doc. 97–5056 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 97–AEA–17]

Proposed Amendment to Class E Airspace; Bedford, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Bedford, PA. The development of new Standard Instrument Approach procedures (SIAP) at Bedford County Airport based on the 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 at the airport.

DATES: Comments must be received on or before March 25, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 97–AEA–17, 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 date 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, 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–17.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in 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 amend the Class E airspace area at Bedford, PA. A GPS RWY 14 SIAP and a GPS RWY 32 SIAP has been developed for the Bedford County Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate these SIAPs and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more 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 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 Bedford, PA [Revised]

Bedford County Airport, Bedford, PA
(Lat. 40°05′07″ N., long. 78°30′44″ W.)
St. Thomas VORTAC, PA
(Lat. 39°56′00″ N., long. 77°57′03″ W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Bedford County Airport and within 4 miles each side of the St. Thomas VORTAC 286° radial extending from 12.2 miles west of the VORTAC to the 10-mile radius of the airport, excluding that portion which overlies the Altoona, PA Class E airspace area and the Somerset, PA Class E airspace area.

* * * * *

Issued in Jamaica, New York, on February 12, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–5057 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 97–AWP–8]

Proposed Amendment of Class E. Airspace; Willcox, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Willcox, AZ. An airspace review of the Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 21/3 at Cochise County Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Cochise County Airport, Willcox, AZ.

DATES: Comments must be received on or before March 21, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP–530, Docket No. 97–AWP–8, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Operations Branch, Air Traffic Division at the above address.

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:

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 the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AWP–8.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or 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 light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Operations Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Willcox, AZ. An airspace review of the GPS SIAPs at Cochise County Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS RWY 21/3 SIAP at Cochise County Airport, Willcox, AZ. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth 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 this 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 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 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 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 areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP AZ E5 Willcox, AZ [Revised]

Cochise County Airport, AZ

(Lat. 32°14′39″ N, long. 109°53′38″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cochise County Airport and within 5 miles each side of the 225° bearing from the Cochise County Airport extending from the 6.5-mile radius to 14.5 miles southwest of the Cochise County Airport and within 5.5 miles southeast and 4.5 miles northwest of the 055° bearing from the Cochise County Airport extending from the 6.5-mile radius to 14.5 miles northeast of the Cochise County Airport.

* * * * *

Issued in Los Angeles, California, on February 13, 1997.

Sabra W. Kaulia,

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

[FR Doc. 97–5178 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 97–ANM–3]

Proposed Amendment of Class E Airspace; Salt Lake City, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Salt Lake City, Utah, Class E airspace. This action is necessary to fully contain aircraft, holding at WAATS Intersection, within controlled airspace. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before March 25, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ANM–530, Federal Aviation Administration, Docket No. 97–ANM–3, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James Riley, ANM–532.2, Federal Aviation Administration, Docket No. 97–ANM–3, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number (206) 227–2537.

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–ANM–3.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or 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 at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Operations Branch, ANM–530, 1601 Lind Avenue S.W., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's 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 amend Class E airspace at Salt Lake City, Utah, to fully contain aircraft, holding a WAATS Intersection, within controlled airspace. Currently, there is a possibility that aircraft holding at WATTS intersection, at certain altitudes, would be operating outside controlled airspace. This amendment would correct that situation. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth 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. It, therefore, (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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, 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).

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 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 areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Salt Lake City, UT [Revised]

Salt Lake City International Airport, UT
(Lat. 40°47′13″ N, long. 111°58′08″ W)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 41°00′00″ N, long. 111°45′03″ W, thence south along long. 111°45′03″ W, to lat. 40°22′30″ N, thence southeast to lat. 40°10′20″ N, long. 111°35′03″ W, thence southwest to lat. 40°03′30″ N, long. 111°48′33″ W, thence northwest to lat. 40°43′00″ N, long. 112°22′03″ W, thence north along long. 112°22′03″ W, to lat. 41°00′00″ N, thence east long lat. 41°00′00″ N, to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 41°00′00″ N, on the east by long. 111°25′33″ W, thence south to lat. 40°11′00″ N, thence east to lat. 40°11′00″ N, long, 110°15′00″ W, thence southwest to lat. 39°33′00″ N, long. 110°55′00″ W, thence southwest to lat. 39°04′00″ N, long, 112°27′30″ W, thence northwest to lat. 39°48′00″ N, long, 112°50′00″ W, thence west via lat. 39°48′00″ N, to the east edge of Restricted Area R–6402A, and on the west by the east edge of Restricted Area R–6402A, Restricted Area R–6402B and Restricted Area R–6406A and long. 113°00′03″ W; excluding the portion within the Price, UT and the Delta, UT, airspace areas; that airspace east of Salt Lake City extending upward from 11,000 feet MSL bounded on the northwest by the southeast edge of V–32, on the southeast by the northwest edge of V–235, on the southwest by the northeast edge of V–101 and on the west by long. 111°25′33″ W; excluding that airspace within the Evanston, WY, 1,200-foot Class E airspace area; that airspace southeast of Salt Lake City extending upward from 13,500 feet MSL bounded on the northeast by the southwest edge of V–484, on the south by the north edge of V–200 and on the west by long. 111°25′33″ W; excluding the portion within Restricted Area R–6403 and the Bonneville, UT Class E airspace area.

* * * * *

Issued in Seattle, Washington, on February 11, 1997.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 97–5181 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–AAL–14]

Proposed Modification of Colored Federal Airway Amber 15 (A–15), AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Colored Federal Airway A–15 due to the decommissioning and subsequent removal of the Oliktok, AK, Nondirectional Beach (NDB) from the National Airspace System (NAS).

DATES: Comments must be received on or before April 17, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL–500, Docket No. 96–AAL–14, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AK 99533.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bil Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

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. 96–AAL–14.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or 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 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 FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, Attention: Airspace and Rules Division, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 of the Code of Federal Aviation Regulations part 71 (14 CFR part 71) to modify Colored Federal Airway A–15 due to the decommissioning and subsequent removal of the Oliktok, AK, NDB from the NAS by the United States Air Force on July 10, 1996. The FAA is taking this action to redefine Airway A–15 by removing that portion of the route beyond the Put River, AK, NDB. Colored Federal airways are published in paragraph 6009(c) 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 Colored Federal airway 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 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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, 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).

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 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.

§ 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 6009(c)—Amber Federal Airways

* * * * *

A–15 [Revised]

From Ethelda, BC, Canada, NDB via Nichols, AK, NDB; Sumner Strait, AK, NDB; Coghlan Island, AK, RBN; Haines, AK, RBN; Burwash, YT, Canada, RBN; Nabesna, AK, NDB; to Delta Junction, AK, NDB. From Chena, AK, NDB via Chandalar Lake, AK, NDB; Put River, AK, NDB. The airspace within Canada is excluded (Joins Canadian Jet Route J–502).

* * * * *

Issued in Washington, DC, on February 21, 1997.

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

[FR Doc. 97–5070 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 7, 10, 145, 173, 174, 181, 191

[RIN 1515–AB95]

Drawback

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the period of time within which interested members of the public may submit written comments on proposed amendments to the Customs Regulations regarding drawback for an additional 30 days. The proposed amendments would revise the regulations to implement the extensive and significant changes to the drawback law contained in the Customs modernization portion of the North American Free Trade Agreement Implementation Act; change some administrative procedures involving manufacturing and unused merchandise drawback; and generally simplify and improve the editorial clarity of the regulations.

DATES: Comments must be received on or before April 24, 1997.

ADDRESSES: Comments (preferably in triplicate) must be submitted to U.S. Customs Service, ATTN: Regulations Branch, Franklin Court, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and may be inspected at the Regulations Branch, 1099 14th Street, NW., Suite 4000, Washington, D.C. All comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between 9:00 a.m. and 4:30 p.m. on normal business days at the latter address above.

FOR FURTHER INFORMATION CONTACT: Paul Hegland, Office of Regulations and Rulings, (202–482–7040).

SUPPLEMENTARY INFORMATION:

Background

Customs published a document in the Federal Register on January 21, 1997 (62 FR 3082), inviting the public to comment on proposed amendments to its regulations regarding drawback. Specifically, the document would revise the regulations to implement the extensive and significant changes to the drawback law contained in the Customs modernization portion of the North American Free Trade Agreement Implementation Act; change some administrative procedures involving manufacturing and unused merchandise drawback; and generally simplify and improve the editorial clarity of the regulations.

A trade association comprised of many members has submitted a request to extend the period of time for comments on the proposed rule for an additional 30 days (until April 24, 1997), in order to have ample time to disseminate to its membership the proposed regulations, review them, meet to discuss changes, and then to prepare a uniform association position in this regard.

Customs believes under the circumstances that this request has merit. Accordingly, the period of time for the submission of comments is being extended as requested.

Dated: February 26, 1997.

John A. Durant,

Acting Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 97–5145 Filed 2–28–97; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–052]

RIN 1218–AB55

Exit Routes (Means of Egress)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Informal public hearing; reopening of written comment period.

SUMMARY: This notice schedules an informal public hearing regarding the notice of proposed rulemaking which OSHA issued on September 10, 1996 (61 FR 47712), concerning a proposed revision of the Agency's General Industry standards for Means of Egress (Subpart E of Part 1910). This notice also reopens the comment period for written responses to the proposed rule.

DATES: Notices of intention to appear at the informal public hearing must be postmarked by April 1, 1997. Hearing participants requesting more than 10 minutes for their presentations, and participants who will submit documentary evidence at the hearing, must submit the full text of their testimony and all documentary evidence to the Docket Office, postmarked no later than April 14, 1997. Written comments on the proposed standard must also be postmarked by April 14, 1997. The hearing will be held in Washington, D.C. and is scheduled to begin on April 29, 1997.

ADDRESSES: Comments, notices of intention to appear at the informal public hearing, testimony, and documentary evidence are to be submitted in quadruplicate to: Docket Office, Docket S–052; Room N2625; U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Washington, DC. 20210 (Telephone: 202–219–7894).

Written comments, notices of intention to appear, testimony, and all other material related to the development of this proposed standard will be available for inspection and copying in the Docket Office, Room N2625, at the above address.

The hearing will be held in C5521, Seminar Room #4, of the U.S. Department of Labor (Frances Perkins Building), 200 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Office of Information and Consumer Affairs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3647; 200 Constitution Avenue NW., Washington, DC 20210 (202–219–8148, FAX 202–219–5986).

SUPPLEMENTARY INFORMATION:

I. Background

On September 10, 1996, OSHA published a notice in the Federal Register (61 FR 47712) that proposed to revise Subpart E of Part 1910, Means of Egress. The purpose of the proposed revision was to rewrite the existing requirements of Subpart E in plain English so they would be more understandable to employers, employees, and others who use them. The proposal did not intend to change the regulatory obligations of employers or the safety and health protections provided to employees.

Although OSHA recognized that some portions of Subpart E may warrant updating, the Agency did not propose to update the requirements of Subpart E at this time. Instead, the proposal focused on rewriting the existing requirements in order to be easier to read, understand, and use. Toward this goal, the proposal used performance-oriented requirements where possible, reorganized the text to keep subject matter consistent, removed internal inconsistencies, and eliminated duplicate requirements. Additionally, OSHA proposed to change the name of Subpart E from ''Means of Egress'' to ''Exit Routes.''

OSHA also proposed two alternative plain English versions of the revision to Subpart E. The first version was organized in the traditional OSHA regulatory format. The second version used a question and answer format. OSHA invited interested parties to comment on the content and effectiveness of the proposed changes and on the plain English version of Subpart E that they preferred. The Agency established a comment period of 60 days for interested parties to submit written comments and to request a hearing on the proposed revision to Subpart E.

II. Response to Proposed Revision of Subpart E

The Agency received a total of 59 written comments in response to the proposed revision of Subpart E. A vast majority of the commenters supported the concept of rewriting the existing requirements of Subpart E in ''plain English,'' even though many of these commenters suggested various means of improving the revision to Subpart E. A large majority of commenters also preferred the ''traditional'' format rather

than the ''question and answer'' format. These commenters believe that the ''question and answer'' format may be appropriate for an appendix, but that the ''traditional'' format is clearer, makes it easier to locate answers to specific questions, and is easier to follow and understand.

Two of the commenters, the National Fire Protection Association (Ex. 5: 18) and Hallmark Cards (Ex.5: 51), requested a hearing in order to allow for a dialogue among life safety professionals; to have greater public involvement in the rulemaking process; and, to facilitate a full discussion of certain important issues.

Accordingly, OSHA has decided to schedule an informal public hearing in order to facilitate a full discussion of the proposed revision, and to address certain important issues resulting from the comments.

OSHA is scheduling a hearing only in Washington, DC. The hearing will commence on Tuesday, April 29, 1997. The Agency is also reopening the rulemaking record for Subpart E until April 1, 1997, to receive additional written comments on the proposed revision.

III. Hearing Issues

1. Most of the commenters suggested that OSHA either adopt, in total, the latest edition of the National Fire Protection Association (NFPA) Life Safety Code (NFPA–101); reference NFPA–101 for specific ways of meeting the performance requirements of the proposed standard; or, state in the regulatory text of the standard, or in the appendix to the standard, that compliance with NFPA–101 meets the requirements of the OSHA Subpart E standard. Should OSHA utilize one of these approaches? If so, how should the Agency implement the approach, especially with respect to periodic future revisions of NFPA–101? For example, if OSHA adopted a specific edition of NFPA–101, such as the 1994 edition, then the Subpart E provisions would not keep pace with future editions of NFPA–101. On the other hand, OSHA cannot actually adopt NFPA–101 as an OSHA standard without specifying a particular edition because of delegation restraints. OSHA is required to conduct rulemaking to update its standards, and this requirement would apply to any future changes to NFPA–101 if it were to be adopted as an OSHA standard.

2. One commenter strongly asserted that OSHA should base its standard on the model building codes, such as the Building Officials and Code Administrators International (BOCA) Code or the International Conference of Building Officials (ICBO) Code, rather than the NFPA Life Safety Code.

Many of the same issues apply here as those discussed above with regard to adopting NFPA–101. OSHA would like to receive information and testimony regarding the role of model building codes in the revision to Subpart E, including how, and if, the Agency should utilize these codes in the final rule.

3. Several commenters expressed concern that the performance-oriented nature of the proposed requirements may result in compliance problems. OSHA is interested in receiving comments as to whether some of the proposed requirements are so performance-oriented that they would not be easily enforced. Also, could some of the proposed provisions be interpreted in ways that would be inconsistent with previous interpretations relied on by OSHA or other authorities?

4. There were differing views regarding OSHA's proposed provisions dealing with exit capacity and the number of exits considered to be adequate for a workplace building. Some commenters supported the Agency's performance-oriented approach because they believe that OSHA standards should contain only general criteria for exit routes and that the more specific criteria pertaining to the number of exits and the capacity of exits are more appropriately enforced through local building and fire codes.

Other commenters opposed OSHA's approach because they believe that some of the proposed provisions are too general. These commenters suggested that OSHA reinstate more definitive criteria with respect to the number of exits and exit capacity for different types of workplaces.

OSHA requests information, comments, and testimony concerning the most appropriate and effective means of addressing exit capacity and the number of exits that need to be available in the broad array of workplaces covered by the OSHA standard, whether the workplace is a tower, single story building, or multistory building.

5. Several commenters disagreed with OSHA's proposed requirements for exit signs because the proposed version does not specify minimum physical characteristics for exit signs. These commenters contend that the requirements are too general and would create compliance problems for employers. Should OSHA retain specific criteria for exit signs? If so, what criteria should OSHA use?

6. Similarly, some commenters believe that the revised requirements for exit illumination are also too general and would result in compliance problems for employers. Should OSHA include specific criteria for the illumination of exits and exit signs?

7. Although OSHA has attempted to rewrite Subpart E in order to clarify and simplify requirements, are there provisions or terms that are still too technical or difficult to understand? If so, please identify the provision or term and suggest a recommended action.

8. OSHA did not intend the proposed revision of Subpart E to impose any compliance obligations on employers beyond those imposed by existing Subpart E. Did OSHA achieve that goal, or would employers following the proposed revision be required to change their current practices in any way? If so, which proposed requirements would impose new obligations and how would they do so?

9. Do any of the proposed requirements provide greater safety and health protections for employees? If yes, which requirements do so and how would they provide additional protection to employees?

10. Do any of the proposed requirements present technological feasibility problems for affected employers? If yes, which requirements do so and what problems do they present?

OSHA invites comments and testimony on these issues and any other issues pertaining to the proposed revision of Subpart E.

Public Participation

Interested persons are requested to submit written data, views, and arguments concerning the proposal of September 10, 1996, and the additional issues raised in this document. These comments must be postmarked by April 14, 1997, and submitted in quadruplicate to the Docket Office, Docket No. S–052 Room N2625, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, DC. 20210.

All written comments received within the specified comment period will be made a part of the record and will be available for public inspection and copying at the above Docket Office address.

Notice of Intention To Appear at the Informal Hearing

Pursuant to section 6(b)(3) of the Occupational Safety and Health Act, an opportunity to submit oral testimony concerning the issues raised by the

proposed standard will be provided at an informal public hearing to be held in Washington, DC. on April 29, 1997, and extending through May 1, 1997, depending on the number of persons intending to participate in the hearing.

The hearing will commence at 9:30 a.m. on April 29, 1997, in C5521, Seminar Room #4, of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC. 20210.

All persons desiring to participate in the hearing must file in quadruplicate a notice of intention to appear, postmarked on or before April 1, 1997. The notice of intention to appear, which will be available for inspection and copying at the OSHA Docket Office (Room N2625), telephone (202) 219–7894, must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The issues that will be addressed;
5. A brief statement of the position that will be taken with respect to each issue; and,
6. Whether the party intends to submit documentary evidence and, if so, a brief summary of it.

The notice of intention to appear shall be mailed to: Docket Office, Docket S–052, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC. 20210; telephone (202) 219–7894.

A notice of intention to appear also may be transmitted by facsimile to (202) 219–5046 (Attention: Docket S–052), by the same date, provided the original and 3 copies are sent to the same address and postmarked no more than 3 days later.

Filing of Testimony and Evidence Before the Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate, the complete text of the testimony, including any documentary evidence to be presented at the hearing. One copy shall not be stapled or bound and be suitable for copying. These materials must be provided to the Docket Office at the address above and be postmarked no later than April 14, 1997.

Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances when the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact prior to the informal public hearing.

Any party who has not substantially complied with this requirement may be limited to a 10 minute presentation, and may be requested to return for questioning at a later time.

Any party who has not filed a notice of intention to appear may be allowed to testify for no more than 10 minutes as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notice of intention to appear, testimony, and evidence will be available for copying at the Docket Office at the address above.

Conduct and Nature of the Hearing

The hearing will commence at 9:30 a.m. on April 29, 1997. At that time, any procedural matters pertaining to the proceeding will be resolved.

The nature of an informal rulemaking hearing is established in the legislative history of section 6 of the Occupational Safety and Health Act and is reflected by OSHA's rules of procedure for hearings (29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge, and limited questioning by persons who have filed notices of intention to appear is allowed on crucial issues, the proceeding is informal and legislative in type. The Agency's intent, in essence, is to provide interested persons with an opportunity to make effective oral presentations that can proceed expeditiously in the absence of procedural restraints that impede or protract the rulemaking process.

Additionally, since the hearing is primarily for information gathering and clarification, it is an informal administrative proceeding rather than one of an adjudicative nature.

The technical rules of evidence, for example, do not apply. The regulations that govern hearings and the pre-hearing guidelines to be issued for this hearing will ensure fairness and due process and also facilitate the development of a clear, accurate, and complete record. Those rules and guidelines will be interpreted in a manner that furthers that development. Thus, questions of relevance, procedure, and participation generally will be decided so as to favor development of the record.

The hearing will be conducted in accordance with 29 CFR Part 1911. It should be noted that § 1911.4 specifies that the Assistant Secretary may, upon reasonable notice, issue alternative procedures to expedite proceedings or for other good cause.

The hearing will be presided over by an Administrative Law Judge who makes no decision or recommendation on the merits of OSHA's proposal. The responsibility of the Administrative Law Judge is to ensure that the hearing proceeds at a reasonable pace and in an orderly manner. The Administrative Law Judge, therefore, will have all of the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections, and comparable matters;
3. To confine the presentations to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. At the Judge's discretion, to question and permit the questioning of any witness and to limit the time for questioning; and,
6. At the Judge's discretion, to keep the record open for a reasonable, stated time (known as the post-hearing comment period) to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

OSHA recognizes that there may be interested persons who, through their knowledge of safety or their experience in the subject matter of this proceeding, would wish to endorse or support certain provisions in the proposed standard. OSHA welcomes such supportive comments in order that the record of this rulemaking will present a balanced picture of the public response on the issues involved.

Signed at Washington, DC. this 26th day of February 1997.

Gregory R. Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97–5176 Filed 2–28–97; 8:45 am]

BILLING CODE 4510–26–P

Mine Safety and Health Administration

30 CFR Parts 56, 57, 62, 70, and 71

RIN 1219–AA53

Health Standards for Occupational Noise Exposure

AGENCY: Mine Safety and Health Administration, (MSHA) Labor.

ACTION: Proposed rule; change of dates for hearings.

SUMMARY: Due to a scheduling conflict, MSHA is changing the dates of two of the public hearings announced in the

Federal Register on February 6, 1997 (62 FR 5554).

DATES: The public hearings are scheduled to be held at the following locations on the dates indicated:

May 6, 1997—Beaver, West Virginia (Beckley)
May 8, 1997—St. Louis, Missouri
May 13, 1997—Denver, Colorado
May 15, 1997—Las Vegas, Nevada
May 28, 1997—Atlanta, Georgia
May 30, 1997—Washington, DC

Each hearing will last from 9:00 a.m. to 5:00 p.m., but will continue into the evening if necessary.

The record will remain open after the hearings until June 20, 1997.

ADDRESSES: The hearings will be held at the following locations:

May 6, 1997, National Mine Health & Safety Academy, Auditorium, 1301 Airport Road, Beaver, West Virginia (Beckley) 25813.
May 8, 1997, Harley Hotel, North Ballroom, 3400 Rider Trail South, St. Louis, Missouri 63134.
May 13, 1997, Four Points Sheraton Hotel, Mount Evans Room, 3535 Quebec Street, Denver, Colorado 80207.
May 15, 1997, Bourbon Street Hotel, 120 E. Flamingo Road, Las Vegas, Nevada 89109.
May 28, 1997, Holiday Inn Airport, 5010 Old National Highway, Atlanta, Georgia 30349.
May 30, 1997, Department of Labor, Frances Perkins Building, Auditorium, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, phone 703–235–1910.

SUPPLEMENTARY INFORMATION: On December 17, 1996, MSHA published in the Federal Register (61 FR 66348) a proposed rule to revise the Agency's existing health standards for occupational noise. On February 6, 1997, MSHA published in the Federal Register (62 FR 5554) a notice extending the comment period to April 21, 1997. In that same notice, the Agency announced public hearings and stated that the rulemaking record will close on June 16, 1997.

Due to a scheduling conflict, MSHA is changing the dates of the Atlanta, Georgia and Washington, DC hearings. The Agency has learned that the American Industrial Hygiene Association (AIHA) and the American Conference of Governmental Industrial Hygienists (ACGIH) will be holding their joint annual ''Conference and Exposition'' the week of May 17–23, 1997. MSHA believes that many members of the AIHA and ACGIH will be interested in attending the Agency's hearings on occupational noise exposure, including several members of the Agency's staff working on the noise proposal. Therefore, the Agency has changed the hearing for Atlanta, Georgia to May 28, 1997, and the hearing for Washington, DC to May 30, 1997. To allow for the submission of posthearing comments, the record would remain open until June 20, 1997.

Dated: February 24, 1997.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 97–5073 Filed 2–28–97; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–97–005]

RIN 2115–AE46

Special Local Regulations; Charleston to Bermuda Sailboat Race, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the Charleston to Bermuda Sailboat Race. The race would start on May 11, 1997, between the hours of 11 a.m. and 3 p.m. Eastern Daylight Time (EDT) near Waterfront Park on the Charleston Peninsula, and would transit out to sea by the South, Mount Pleasant, and Fort Sumter Ranges in Charleston Harbor. The nature of the event and the closure of portions of Charleston Harbor creates an extra or unusual hazard on the navigable waters of Charleston Harbor, Charleston, SC. These regulations are necessary for the safety of life on the navigable waters during the event.

DATES: Comments must be received on or before April 2, 1997.

ADDRESSES: Comments may be mailed to Commander, U.S. Coast Guard Group Charleston, 196 Tradd Street, Charleston, SC 29401, or may be delivered to the Operations Office at the same address between 7:30 a.m. and 3:30 p.m. Monday through Friday, except federal holidays. The telephone number is (803) 724–7621.

FOR FURTHER INFORMATION CONTACT: ENS M.J. DaPonte, Project Manager, Coast Guard Group Charleston, SC at (803) 724–7621.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD07–97–005) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons desiring acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in the view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at the time and place announced by a later notice in the Federal Register.

Background and Purpose

The proposed regulations are needed to provide for the safety of life during the start of the Charleston to Bermuda Sailboat Race. These proposed regulations are intended to promote safe navigation in Charleston Harbor immediately before, during, and immediately after the start of the race by controlling the traffic entering, exiting, and traveling within the regulated area. The anticipated concentration of commercial traffic, spectator vessels, and participating vessels associated with the race poses a safety concern which is addressed in these proposed special local regulations.

The proposed regulations would not permit the entry or movement of spectator vessels and other non-participating vessel traffic between the starting area at the southern end of Commercial Anchorage Area D (33 CFR 110.173), and the entrance to the Charleston Harbor jetties on Saturday, May 11, 1997, from 10 a.m. to 3 p.m. EDT. These proposed regulations would permit the movement of spectator vessels and other non-participants within the regulated area before the start of the race, and after the last participant clears the Charleston Harbor jetties at the discretion of the Coast Guard Patrol Commander.

Regulatory Evaluation

This proposal is not a major significant regulatory action under section 3(f) of executive order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed regulations would last for only 5 hours on May 11, 1997.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small Entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632).

The Coast Guard expects the economic impact of this proposal to be minimal, and certifies under 5 U.S.C. 605(b) that this proposal, if adopted, would not have a significant impact on a substantial number of small entities. The regulated area would be in effect for only 5 hours in a limited area of Charleston harbor.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this proposal in accordance with the principals and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has reviewed this action and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2(34)(h) of Commandant Instruction M16475.1B. A written Categorical Exclusion Determination will be prepared and included as part of the final rule.

List of Subjects in 33 CFR Part 1009

Marine safety, Navigation (water), Reporting and record keeping requirements, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. A new section 100.725 is added to read as follows:

§ 100.725 Charleston to Bermuda Sailboat Race; Charleston Harbor, Charleston, SC.

(a) Definitions:

(1) Regulated area. The regulated area includes all waters of Charleston Harbor, Charleston, SC and the Atlantic Ocean within the following points:

Point	Latitude	Longitude
A	32°47′06″ N.	079°55′25″ W, then to
B	32°47′06″ N.	079°55′05″ W, then to
C	32°46′00″ N.	079°55′00″ W, then to
D	32°45′41″ N.	079°54′37″ W, then to
E	32°45′41″ N.	079°51′54″ W, then to
F	32°44′30″ N.	079°50′35″ W, then to
G	32°43′24″ N.	079°48′16″ W, then to
H	32°43′02″ N.	079°48′30″ W, then to
I	32°44′14″ N.	079°50′51″ W, then to
J	32°45′25″ N.	079°52′04″ W, then to
K	32°45′25″ N.	079°55′00″ W, then to
L	32°45′41″ N.	079°55′22″ W, thence back to point A.

All coordinates referenced use datum: NAD 83.

(2) Coast Guard Patrol Commander. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, SC.

(b) *Special local regulations.* (1) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or authorized by the Coast Guard Patrol Commander.

(2) The Coast Guard Patrol Commander may delay, modify, or cancel the race as conditions or circumstances require. The Coast Guard Patrol Commander shall monitor the start of the race with the race committee, to allow for a window of opportunity for the race participants to depart the harbor with minimal interference with inbound or outbound commercial traffic.

(3) Spectator and other non-participating vessels may follow the participants out to sea while maintaining a minimum distance of 500 yards behind the last participant, at the discretion of the Patrol Commander. Upon the transit of the last race participant past the outermost boundary of the Charleston jetties, all vessels may resume normal operations.

(c) *Effective Date.* This section is effective at 10 a.m. and terminates at 3 p.m. EDT on May 11, 1997.

Dated: February 20, 1997.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 97–5066 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD08–96–056]

RIN 2115–AE47

Drawbridge Operation Regulation; Industrial Seaway Canal, MS

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a change to the regulation governing the operation of the double leaf bascule span drawbridge on Lorraine-Cowan Road, across the Industrial Seaway Canal, mile 11.3, near Handsboro, Harrison County, Mississippi. Growing industry and commercial retail development in the area over the past few years has increased vehicular traffic on Lorraine-Cowan Road. As a result, traffic has become unreasonably delayed during bridge openings that occur when local residents are enroute to work and school. This change in drawbridge operating regulations would provide relief for congested vehicular traffic during these periods and still provide for the reasonable needs of navigation. Mariners would have the benefit of one less closure period of the bridge to marine traffic per day than occurs under present operating regulations.

DATES: Comments must be received on or before May 2, 1997.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast

Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, or may be delivered to Room 1313 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District at the address under **ADDRESSES.** The request should include reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid in the implementation of this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

The Commander, Eighth Coast Guard District, will evaluate all comments received and determine a course of final action of this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this regulation are Mr. Phil Johnson, project officer, and LCDR Jim Wilson, project attorney.

Discussion of Proposed Rules

Vertical clearance of the Lorraine-Cowan Road bridge across the Industrial Seaway Canal in the closed to navigation position is 29 feet above mean high water and 31 feet above mean low water. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational craft.

Data submitted by the Harrison County Board of supervisors shows that, based on five weekdays in a one week period, from Monday, October 7, 1996 through Friday, October 11, 1996, the average number of vehicles which crossed the bridge from 6:30 a.m. to 8:30 a.m. was 2,527 per day. The average number of vehicles which crossed the bridge on weekdays from 4:30 p.m. to 6 p.m. was 2,300 per day. Data taken over a 12 month period from October 1, 1995 through September 30, 1996 shows that the total number of vessels which required an opening of the bridge on weekdays between 6:30 a.m. and 8:30 a.m. was 97 vessels. The total number of vessels requiring an opening of the bridge on weekdays between the hours of 4:30 p.m. and 6 p.m. was 33 vessels.

Reduced to a monthly rate, the above data reflects the fact that on average, 50,540 vehicles cross and 8 vessels pass each month during the morning period and 46,000 vehicles cross and 3 vessels pass each month during the afternoon period.

Considering the few vessels that pass the bridge during the proposed regulated periods, and the fact that the proposal includes discontinuance of the one-hour noon closure, vessel operators will be able to adjust their arrival times at the bridge to avoid the temporary closure periods with very little inconvenience or added expense.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of the order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory polices and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.g(5). of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.680 is revised to read as follows:

§ 117.680 Industrial Seaway Canal

The draw of the Lorraine-Cowan Road Bridge across the Industrial Seaway Canal, mile 11.3, need not be opened from 6:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

Dated: February 3, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 97–5174 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36, 51, 61 and 69

[CC Docket Nos. 96–45, 96–262, and 96–98; DA 97–333]

Implementation of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Request for comment; extension of comment period.

SUMMARY: The Common Carrier Bureau of the Federal Communications Commission here extends time for parties to comment on issues raised by its January 9, 1997 Staff Analysis of economic cost computer models submitted in connection with several pending proceedings implementing the Telecommunications Act of 1996. The Public Notice setting the original comment deadlines was published in the Federal Register on February 5, 1997 (62 FR 5373).

DATES: Comments in response to the Public Notice are due February 18, 1997 [1], and replies are due February 24, 1997.

ADDRESSES: Commenters must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David A. Konuch, 202–418–0199 or Brad Wimmer, 202–418–1847.

SUPPLEMENTARY INFORMATION: Released: February 12, 1997.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 97–4909 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–71, RM–8920]

Radio Broadcasting Services; Chatom and Grove Hill, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Capital Assets, Inc., permittee of Station WFOW(FM), Channel 291C3, Chatom, Alabama, requesting the reallotment of Channel 291C3 to Grove Hill, Alabama, and modification of the authorization for Station WFOW(FM) to specify Grove Hill as its community of license, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for Channel 291C3 at Grove Hill are 31–48–20 and 87–38–07.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Capital Assets, Inc., Attn: Bennie E. Hewett, President, 311 Green Street, NE., Suite 211, Gainesville, GA 30501.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–71, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5182 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

[1] Note: This document was received at the Office of the Federal Register on February 24, 1997.

47 CFR Part 73

[MM Docket No. 97–70, RM–9020]

Radio Broadcasting Services; El Reno, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Fred R. Morton, Jr., seeking the allotment of Channel 293A to El Reno, OK, as the community's first local FM transmission service. Channel 293A can be allotted to El Reno in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.5 kilometers (7.8 miles) west, at coordinates 35–32–18 NL; 98–05–26 WL, to avoid a short-spacing to Stations KGOU, Channel 292A, Norman, OK, and KYQQ, Channel 293C, Arkansas City, KS.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Fred R. Morton, Jr., 5103 North Cherry, Lawton, OK 73505 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–70, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5185 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–68, RM–8999]

Radio Broadcasting Services; Hayfield, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Vixon Valley Broadcasting requesting the allotment of Channel 263A at Hayfield, Virginia, as the community's first local aural transmission service. Channel 263A can be allotted to Hayfield consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction of 12.9 kilometers (18.0 miles) north in order to avoid short-spacing conflicts with the licensed operation of Stations WBIG(FM), Channel 262B, Washington, DC, and WQPO(FM), Channel 264B, Harrisonburg, Virginia. The coordinates for Channel 263A at Hayfield are 39–20–59 and 78–18–14.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael Jr., President, Vixon Valley Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–68, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5186 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–74, RM–9011]

Radio Broadcasting Services; Colstrip, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Windy Valley Broadcasting proposing the allotment of Channel 229A to Colstrip, Montana, as that community's first local service. The coordinates for Channel 229A are 45–53–00 and 106–37–36.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Victor A. Michael Jr., President, Windy Valley Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–74, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5187 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–73, RM–9012]

Radio Broadcasting Services; Snow Hill, MD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by James D. Sleeman proposing the allotment of Channel 266A at Snow Hill, Maryland, as that community's first local broadcast service. The coordinates for Channel 266A are 38–09–17 and 75–19–17. There is a site restriction 6.9 kilometers (4.3 miles) east of the community.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: James D. Sleeman, 125 Chester Avenue, Annapolis, Maryland 21403.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–73, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5188 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–72; RM–9017]

Radio Broadcasting Services; Mullins and Briarcliffe Acres, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Atlantic Broadcasting Co., Inc., proposing the reallotment of Channel 296C2 from Mullins to Briarcliffe Acres, South Carolina, and the modification of Station WWSK(FM)'s license accordingly. Channel 296C2 can be allotted to Briarcliffe Acres in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.7 kilometers (16 miles) northwest at petitioner's presently authorized site. The coordinates for Channel 296C2 at Briarcliffe Acres are North Latitude 33–56–14 and West Longitude 78–57–53.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary S. Smithwick, Esq., Smithwick & Belendiuk, P.C., 1990 M Street, NW., Suite 510, Washington, DC 20036 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–72, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5189 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–69, RM–9007]

Radio Broadcasting Services; Idalou, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Fred R. Morton, Jr. requesting the allotment of Channel 299A at Idalou, Texas, as the community's second local FM service. Channel 299A can be allotted to Idalou in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.5 kilometers (0.9 miles) north in order to avoid a short-spacing conflict with the licensed operation of Station KPOS(FM), Channel 297C2, Post, Texas. The coordinates for Channel 299A at Idalou are 33–40–34 and 101–41–01.

DATES: Comments must be filed on or before April 14, 1997, and reply comments on or before April 29, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Fred R. Morton, Jr., 5103 North Cherry, Lawton, Oklahoma 73505 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–69, adopted February 14, 1997, and released February 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–5190 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 62, No. 41
Monday, March 3, 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

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Denver (CO) and East Indiana (IN) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designations of Denver Grain Inspection (Denver) and East Indiana Grain Inspection, Inc. (East Indiana), will end August 31, 1997, according to the Act. GIPSA is asking persons interested in providing official services in the Denver and East Indiana areas to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before April 1, 1997.

ADDRESSES: Applications must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, 1400 Independence Avenue, S.W., Washington, DC 20250–3604. Applications may be submitted by FAX on 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Denver, main office located in Commerce City, Colorado, and East Indiana, main office located in Muncie, Indiana, to provide official inspection services under the Act on September 1, 1994.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Denver and East Indiana end on August 31, 1997.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Colorado, Nebraska, and Wyoming, is assigned to Denver.

The entire State of Colorado.

In Nebraska:

Bounded on the North by the northern Scotts Bluff County line; the northern Morrill County line east to Highway 385;

Bounded on the East by Highway 385 south to the northern Cheyenne County line; the northern and eastern Cheyenne County lines; the northern and eastern Deuel County lines;

Bounded on the South by the southern Deuel, Cheyenne, and Kimball County lines; and

Bounded on the West by the western Kimball, Banner, and Scotts Bluff County lines.

Goshen, Laramie, and Platte Counties, Wyoming.

Denver's assigned geographic area does not include the following grain elevators inside Denver's area which have been and will continue to be serviced by the following official agency: Hastings Grain Inspection, Inc.: Farmers Coop, and Big Springs Elevator, both in Big Springs, Deuel County, Nebraska.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Indiana and Ohio, is assigned to East Indiana.

In Indiana:

Bounded on the North by the northern Lagrange and Steuben County lines;

Bounded on the East by the eastern Steuben, De Kalb, Allen, Adams, Jay, Randolph, Wayne, and Union County lines;

Bounded on the South by the southern Union and Fayette County lines; the eastern Rush County line south to State Route 244; State Route 244 west to the Rush County line; and

Bounded on the West by the western Rush and Henry County lines; the southern Madison County line west to State Route 13; State Route 13 north to State Route 132; State Route 132 northwest to Madison County; the western and northern Madison County lines; the northern Delaware County line; the western Blackford County line north to State Route 18; State Route 18 west to County Highway 900E; County Highway 900E north to Huntington County; the southern Huntington and Wabash County lines; the western Wabash County line north to State Route 114; State Route 114 northwest to State Route 19; State Route 19 north to Kosciusko County; the western and northern Kosciusko County lines; the western Noble and Lagrange County lines.

Darke County, Ohio.

The following grain elevator, located outside of the above contiguous geographic area, is part of this geographic area assignment: Payne Cooperative Association, Payne, Paulding County, Ohio (located inside Lima Grain Inspection Service, Inc.'s, area).

Interested persons, including Denver and East Indiana, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the Denver and East Indiana geographic areas is for the period beginning September 1, 1997, and ending August 31, 2000. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: February 14, 1997

Neil E. Porter

Director, Compliance Division

[FR Doc. 97–4934 Filed 2–28–97; 8:45 am]

BILLING CODE 3410–EN–F

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Alabama

AGENCY: Natural Resources Conservation Service (NRCS) in Alabama, U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Alabama for review and comment.

SUMMARY: It is the intention of NRCS in Alabama to issue a new conservation practice standard Agrichemical Handling Facility, (Code 190); and a revised conservation practice standard Waste Storage Facility, (Code 313) in Section IV of the FOTG.

DATES: Comments will be received on or before April 2, 1997.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Ronnie D. Murphy, State Conservationist, Natural Resources Conservation Service (NRCS), 665 Opelika Road, P.O. Box 311, Auburn, AL 36830. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Alabama will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Alabama regarding disposition of those comments and a final determination of change will be made.

Dated: February 19, 1997.

Robert N. Jones,

Deputy State Conservationist, Natural Resources Conservation Service, Auburn, Alabama.

[FR Doc. 97–4900 Filed 2–28–97; 8:45 am]

BILLING CODE 3411–29–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 8:30 a.m. and adjourn at 9:00 p.m. on Thursday, March 27, 1997, at the Lincoln Center, 417 W. Magnolia Street, Fort Collins, Colorado 80521. The purpose of the meeting is to hold a forum on civil rights issues in Fort Collins.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Joseph F. Arcese, 303–556–3139, or John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1400 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 21, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–5093 Filed 2–28–97; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Oklahoma Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee to the Commission will convene at 8:00 a.m. and adjourn at 5:00 p.m. on March 26, 1997, at the Clarion Hotel, 4345 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. The purpose of the meeting is to hold a community forum on how to file various civil rights complaints.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 21, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–5094 Filed 2–28–97; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received a request to revoke one antidumping duty order in part.

EFFECTIVE DATE: March 3, 1997.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 353.22(a) and 355.22(a)(1994), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. The Department also received a timely request to revoke in part the antidumping duty order on brass sheet and strip from Canada.

Initiation of Reviews

In accordance with sections 19 CFR 353.22(c) and 355.22(c), we are

initiating administrative reviews of the following antidumping and countervailing duty orders and findings. The Department is not initiating an administrative review of any exporters and/or producers who were not named in a review request because such exporters and/or producers were not specified as required under section 353.22(a)(19 CFR 353.22(a). We intend to issue the final results of these reviews not later than January 31, 1998.

Antidumping duty proceedings	Period to be reviewed
Canada: Brass Sheet and Strip:	
A–122–601 ..... Wolverine Tube (Canada) Inc.	1/1/91–12/31/96
France: Anhydrous Sodum Metasilicate (ASM):	
A–427–098 ..... Rhone-Poulenc, S.A.	1/1/96–12/31/96
France: Stainless Steel Wire Rods:	
A–427–811 ..... Imphy, S.A. Ugine-Savioie	1/1/96–12/31/96
Japan: Color Picture Tubes:	
A–588–609 ..... Mitsubishi Electric Corporation	1/1/96–12/31/96
South Korea: Certain Welded Stainless Steel Pipe:	
A–580–810 ..... Pusan Steel Pipe Co., Ltd. Sammi Metal Products Co., Ltd. LG Metals Hyundai Pipe Co., Ltd. SeAH Steel	1/1/96–12/31/96
The People's Republic of China: Potassium Permanganate:	
A–570–001 ..... Zunyi Chemical Factory	1/1/96–12/31/96

Countervailing Duty Proceeding

None.

If requested within 30 days of the date of publication of this notice, the Department will determine whether antidumping duties have been absorbed by an exporter or producer subject to any of these reviews if the subject merchandise is sold in the United States through an importer which is affiliated with such exporter or producer.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1).

Dated: February 21, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary for Group III.

[FR Doc. 97–5227 Filed 2–28–97; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

[I.D. 022197D]

Marine Mammals; Permit No. 1021 (P532C)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Texas A&M University, Galveston, TX 77551, has requested an amendment to permit no. 1021.

DATES: Written comments must be received on or before April 2, 1997.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5301); and

Director, Southwest Fisheries Science Center, NMFS, P.O. Box 271, La Jolla, CA 92038–0271 (619/546–7067).

Written data or views, or requests for a public hearing on this request should be submitted to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject amendment to permit no. 10231, issued on December 17, 1996 (61 FR 67998) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit no. 1021 authorizes the permit holder to carry out two research projects: (1) conduct level B harassment and remote biopsy sampling on a variety of cetaceans in the Gulf of Mexico, and capture, tag and release small *Delphinid*, attach the video camera/data logger package and/or satellite-linked time-depth recorders to 15 sperm whales; and (2) import specimens materials from all species of cetacea and pinnipedia (except walrus) on a worldwide basis.

The permit holder requests authorization to include an additional research project that includes taking up to 30 Weddell seals (*Leptonychotes weddellii*) annually for a 3-year period on McMurdo Sound, Antarctica. Animals will be captured, instrumented with a small video system and data logger and released. Animals will be anesthetized for attachment of instruments and catheters placed percutaneously into a blood vessel. For stomach temperature, a temperature telemeter pill will be inserted down the animal's esophagus while it is anesthetized. The study will address what behavioral and energetic adaptations enable Weddell seals to forage in the Antarctic fast-ice environment.

Dated: February 24, 1997.

Ann L. Hochman,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–5117 Filed 2–28–97; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Submission for OMB Review; Comment Request—Safety Standard for Omnidirectional Citizens Band Base Station Antennas

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the Federal Register of October 25, 1996 (61 FR 55278), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek extension of approval of the collection of information in the Safety Standard for

Omnidirectional Citizens Band Base Station (16 CFR Part 1204). By publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget a request for reinstatement of approval of that collection of information without change through April 30, 2000.

The Safety Standard for Omnidirectional Citizens Band Base Station Antennas establishes performance requirements for omnidirectional citizens band base station antennas to reduce unreasonable risks of death and injury which may result if an antenna contracts overhead power lines while being erected or removed from its site. Certification regulations implementing the standard require manufacturers, importers and private labelers of antennas subject to the standard to test antennas for compliance with the standard, and to maintain records of that testing.

The records of testing and other information required by the certification regulations allow the Commission to determine that antennas subject to the standard comply with its requirements. This information would also enable the Commission to obtain corrective actions if omnidirectional citizens band base station antennas failed to comply with the standard in a manner which creates a substantial risk of injury to the public.

Additional Information About the Request for Extension Of Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Safety Standard for Omnidirectional Citizens Band Base Station Antennas, 16 CFR Part 1204.

Type of request: Reinstatement of approval without change.

General description of respondents: Manufacturers, importers, and private labelers of omnidirectional citizens band base station antennas.

Estimated number of respondents: 7.

Estimated average number of hours per respondent: 220 per year.

Estimated number of hours for all respondents: 1,540 per year.

Comments: Comments on this request for reinstatement of approval of a collection of information should be sent within 30 days of publication of this notice to Victoria Wassmer, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7340. Copies of the request for reinstatement of approval of a collection of information and supporting documentation are available from Robert E. Frye, Director, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416, extension 2264.

Dated: February 25, 1997.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97–5168 Filed 2–28–97; 8:45 am]

BILLING CODE 6355–01–M

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 10, 1997. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before May 2, 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 25, 1997.

Gloria Parker,

Director, Information Resources Management Group.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Applications for Competitive Review to Provide Financial Assistance to Increase Educational Opportunities for Alaska Natives.

Abstract: The information is needed to determine the quality of proposed services to increase educational opportunities and address needs of Alaska natives.

Additional Information: This form will be used by States and local educational agencies who will apply under the Alaska Native Education Program. The information is needed to determine the quality of proposed services to increase educational opportunities and address the academic needs of Alaska Natives. The Department will use the information to make grant awards.

An emergency review is requested by March 10 due to delayed funding authorization for this program and to allow sufficient time for potential applicants to respond prior to schools closing in early May as well as making awards on a timely schedule. If applications are not accepted prior to that time, valuable startup time will be lost and educational equipment and supplies will not be available for students at the beginning of the school year in August.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 81.

Burden Hours: 1,620.

[FR Doc. 97–5096 Filed 2–28–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for Site Investigation Activities at the Oak Ridge K–25 Site Area of Responsibility

AGENCY: Department of Energy (DOE).

ACTION: Floodplain statement of findings.

SUMMARY: This is a Floodplain Statement of Findings for Site Investigation Activities at the Oak Ridge K–25 Site, Roane County, Tennessee, in accordance with 10 CFR part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. DOE proposes to conduct site investigations and preliminary engineering activities within the boundaries of the Oak Ridge K–25 Site as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), underground storage tank (UST) regulations or other regulations and directives. Some site investigation activities may occur within 100-year or 500-year floodplain of streams at the plant. DOE has prepared a floodplain assessment describing the possible effects, alternatives, and measures designed to avoid or minimize potential harm to floodplains or their flood storage potential. DOE will allow 15 days of public review after publication of the Statement of Findings before implementation of the proposed action.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Sleeman, Director, Environmental Restoration Division (EW–91), DOE Oak Ridge Operations Office, Post Office Box 2001, Oak Ridge, TN 37831, Telephone: (423) 576–3534, Facsimile: (423) 576–6074.

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: A Notice of Floodplain Involvement was published in the Federal Register on October 4, 1993, (58 FR 51624) and subsequently a floodplain assessment was prepared. The floodplain assessment covers a variety of intrusive and nonintrusive preliminary engineering and site investigation methods and techniques that may be used at one or more sites at the Oak Ridge K–25 Site. These activities include (as detailed in the October 4, 1993, notice), but are not limited to: ''(a) sampling of air, surface water, groundwater, sediments, surface and deeper soils; sampling of terrestrial and aquatic biota; and measurement of meteorological characteristics; (b) drilling of boreholes to obtain soil/geological samples (some of the boreholes would be completed as groundwater monitoring wells); digging soil test pits by hand or backhoe; (d) taking a variety of nonintrusive surveys (such as radiological surveys); (e) taking intrusive surveys (such as with soil penetrometers and similar devices); and (f) conducting underground tests (such as aquifer pump, tracer geophysical log, vertical seismic profile, and seismic tests).''

Alternatives considered in the assessment were (1) no action, (2) prohibition of site investigation activities in floodplains, and (3) restricting site investigation activities to outside the floodplain when practicable alternatives exist, i.e., data quality would not be compromised. Only a few sampling locations, such as those needed for surface and sediment samples, and a minimal number of boreholes or wells and soil test pits are expected to be in floodplains. Most of the activities addressed by the floodplain assessment will result in no measurable impact on floodplain cross-sections or flood stage, and thus do not increase the risk of flooding. Those activities that are identified from site-specific data as possibly impacting negatively upon the floodplain (e.g., installation of flumes and construction of access roads) may require separate floodplain assessments and the implementation of mitigative measures, e.g., construction during low precipitation periods, prompt stabilization and restoration of affected areas, minimizing vegetation removal, and the use of mats and wide-tracked vehicles. Alternatively, DOE may opt to omit the activity or relocate the activity to an alternate site. Site investigation activities addressed in the floodplain assessment conform to applicable floodplain protection standards.

Issued in Oak Ridge, TN on February 11, 1997.

James L. Elmore,

Alternate National Environmental Policy Act Compliance Officer.

[FR Doc. 97–5123 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–P

Floodplain Statement of Findings for Site Investigation Activities at the Oak Ridge Y–12 Plant Area of Responsibility

AGENCY: Department of Energy (DOE).

ACTION: Floodplain statement of findings.

SUMMARY: This is a Floodplain Statement of Findings for Site Investigation Activities at the Oak Ridge Y–12 Plant, Anderson County, Tennessee, in accordance with 10 CFR part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. DOE proposes to conduct site investigations and preliminary engineering activities within the boundaries of the Oak Ridge Y–12 Plant as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), underground storage tank (UST) regulations or other regulations and directives. Some site investigation activities may occur

within 100-year or 500-year floodplain of streams at the plant. DOE has prepared a floodplain assessment describing the possible effects, alternatives, and measures designed to avoid or minimize potential harm to floodplains or their flood storage potential. DOE will allow 15 days of public review after publication of the Statement of Findings before implementation of the proposed action.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Sleeman, Director, Environmental Restoration Division (EW–91), DOE Oak Ridge Operations Office, Post Office Box 2001, Oak Ridge, TN 37831, Telephone: (423) 576–3534, Facsimile: (423) 576–6074

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: A Notice of Floodplain Involvement was published in the Federal Register on October 4, 1993, (58 FR 51624) and subsequently a floodplain assessment was prepared. The floodplain assessment covers a variety of intrusive and nonintrusive preliminary engineering and site investigation methods and techniques that may be used at one or more sites at the Oak Ridge Y–12 Plant Site. These activities include (as detailed in the October 4, 1993, notice), but are not limited to: ''(a) sampling of air, surface water, groundwater, sediments, surface and deeper soils; sampling of terrestrial and aquatic biota; and measurement of meteorological characteristics; (b) drilling of boreholes to obtain soil/geological samples (some of the boreholes would be completed as groundwater monitoring wells); digging soil test pits by hand or backhoe; (d) taking a variety of nonintrusive surveys (such as radiological surveys); (e) taking intrusive surveys (such as with soil penetrometers and similar devices); and (f) conducting underground tests (such as aquifer pump, tracer geophysical log, vertical seismic profile, and seismic tests).''

Alternatives considered in the assessment were (1) no action, (2) prohibition of site investigation activities in floodplains, and (3) restricting site investigation activities to outside the floodplain when practicable alternatives exist, i.e., data quality would not be compromised. Only a few sampling locations, such as those needed for surface and sediment samples, and a minimal number of boreholes or wells and soil test pits are expected to be in floodplains. Most of the activities addressed by the floodplain assessment will result in no measurable impact on floodplain cross-sections or flood stage, and thus do not increase the risk of flooding. Those activities that are identified from site-specific data as possibly impacting negatively upon the floodplain (e.g., installation of flumes and construction of access roads) may require separate floodplain assessments and the implementation of mitigative measures, e.g., construction during low precipitation periods, prompt stabilization and restoration of affected areas, minimizing vegetation removal, and the use of mats and wide-tracked vehicles. Alternatively, DOE may opt to omit the activity or relocate the activity to an alternate site. Site investigation activities addressed in the floodplain assessment conform to applicable floodplain protection standards.

Issued in Oak Ridge, TN on February 11, 1997.

James L. Elmore,

Alternate National Environmental Policy Act Compliance Officer.

[FR Doc. 97–5122 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats.

DATES: Thursday, March 6, 1997—6:00 pm-9:30 pm.

ADDRESSES: Westminster City Hall (Lower-level Multi-purpose Room), 4800 West 92nd Avenue, Westminster, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, EM SSAB-Rocky Flats, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021, phone: (303) 420–7855, fax: (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

(1) The Board will have a discussion with Dr. Alice Stewart, a well-known researcher in the field of the effects of human exposure to low-level radiation. Dr. Stewart's career has included studies of the effects of x-rays on pregnant women and studies of workers at the University of Birmingham's School of Medicine in England.

(2) The Board will hear from Don Hancock, a community activist from New Mexico, on some of the concerns of nearby residents regarding radioactive waste disposal at the Waste Isolation Pilot Plant (WIPP) outside of Carlsbad, New Mexico. The Department of Energy currently plans to bury waste from Rocky Flats as well as several other Federal sites at WIPP. Mr. Hancock will discuss community concerns about transportation of these materials to New Mexico as well as concerns about the disposal site itself.

(3) The Board will consider a recommendation from one of its committees regarding an assessment of the integrating management contract from Rocky Flats.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of operation for the Public Reading Room are 9:00 am and 4:00 pm on Monday through Friday. Minutes will also be made available by writing or calling Deb

Thompson at the Board's office address or telephone number listed above.

Issued at Washington, DC on February 26, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97–5126 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah Gaseous Diffusion Plant.

DATES: Thursday, March 20, 6:00 p.m.–9:00 p.m.

ADDRESSES: West Kentucky Technical School (cafeteria), 5200 Blandville Road, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: Carlos Alvarado, Site-Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (502) 441–6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Updates on the Federal Facility Agreement, the membership drive, a Financial Committee Report, a Background on the Process of Documents, the Proposed Budget, and the 10-Year Plan.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Carlos Alvarado at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday through Friday, or by writing to Carlos Alvarado, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, or by calling him at (502) 441–6804.

Issued at Washington, DC on February 26, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97–5127 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site.

DATES AND TIMES: Monday, March 24, 1997: 6:00 p.m.–6:30 p.m. (Joint Meeting of Issues-based Committee Chairs), 6:30 p.m.–7:00 p.m. (Public Comment Session), 7:00 p.m.–9:00 p.m. (Subcommittee Meetings) Tuesday, March 25, 1997: 8:30 a.m.–4:00 p.m.

ADDRESSES: Monday, March 24, 1997: Radisson Riverfront Hotel, 1 Tenth Street, Augusta, Georgia. Tuesday, March 25, 1997: Savannah River Site Administration Building 703–41A, Road 1, Aiken, South Carolina.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Public Accountability Specialist, Environmental Restoration and Solid Waste Division, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802 (803) 725–5374.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

Monday, March 24, 1997

6:00 p.m. Joint meeting of issues-based subcommittee chairs
6:30 p.m. Public comment session (5-minute rule)
7:00 p.m. Subcommittee meetings
9:00 p.m. Adjourn

Tuesday, March 25, 1997

8:30 a.m.
- Approval of minutes, agency updates (~ 15 minutes)
- Public comment session (5-minute rule) (~ 30 minutes)
- Election of officers (~ 15 minutes)
- Risk management & future use subcommittee report (~ 30 minutes)
- Environmental restoration and waste management subcomittee report (~ 1 hour)

12:00 p.m.
- Lunch

1:00 p.m.
- Nuclear materials management subcommittee report (~ 30 minutes)
- Administrative subcommittee report (~ 30 minutes)
- Removal considerations and membership elections
- Recommendation review (~ 1 hour)
- Update/review of board home page (~ 15 minutes)
- Spent fuel forum update (~ 10 minutes)
- Outreach subcommittee report (~ 10 minutes)
- National Dialogue/SSAB Chair Meeting discussion (~ 10 minutes)

4:00 p.m.
- Adjourn

If necessary, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, March 24, 1997.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information

Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday except Federal holidays. Minutes will also be available by writing to Gerri Flemming, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling her at (803) 725–5374.

Issued at Washington, DC on February 26, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97–5130 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Research

Energy Research Financial Assistance Program Notice 97–11: Human Genome Program—Ethical, Legal, and Social Implications

AGENCY: U.S. Department of Energy.

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy (DOE), hereby announces its interest in receiving applications in support of the Ethical, Legal, and Social Implications (ELSI) subprogram of the Human Genome Program (HGP). The HGP is a coordinated, multi disciplinary, directed research effort aimed at obtaining a detailed understanding of the human genome at the molecular level. This particular research notice invites research grants that address ethical, legal, and social implications from the use of information and knowledge resulting from the HGP.

DATES: Preapplications referencing Program Notice 97–11 should be received by April 17, 1997. Formal applications submitted in response to this notice must be received by 4:30 p.m., E.D.T., July 10, 1997, to permit timely consideration for awards in Fiscal Year 1998.

ADDRESSES: Preapplications referencing Program Notice 97–11 should be sent to Dr. Daniel W. Drell, Health Effects and Life Sciences Research Division, ER–72, Office of Health and Environmental Research, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290. Formal applications referencing Program Notice 97–11 should be forwarded to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, MD, 20874–1290. ATTN: Program Notice 97–11. This address also must be used when submitting applications by U.S. Postal Service Express Mail or any commercial mail delivery service, or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel W. Drell, Health Effects and Life Sciences Research Division, ER–72, Office of Health and Environmental Research, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, phone: (301) 903–6488 or E-mail: daniel.drell@oer.doe.gov.

SUPPLEMENTARY INFORMATION: The DOE encourages the submission of applications that will address, analyze, or anticipate ELSI issues arising from advances in the scientific understanding of genetically influenced susceptibilities/sensitivities, complex or multi-genic characteristics and conditions, and human polymorphisms. This may include research on privacy and confidentiality issues (as well as ownership and commercialization issues) arising from the creation, use, maintenance, and disclosure of genetic information relevant to such complex or multi-genic conditions. This may also include research on the privacy implications of the development of HGP materials, resources, databases and technologies, as well as the privacy implications of the use of genetic information obtained in the workplace. Issues to be examined may also include (but are not limited to) implications of advances in the genetic characterization of complex traits and susceptibility/sensitivity genes and the impacts of advances in knowledge about polygenic conditions for individuals and communities potentially faced with these impacts (e.g. courts, schools, etc).

Applications should demonstrate knowledge of the relevant literature, and should include detailed plans for the gathering and analysis of factual information and the associated ethical, legal, and social implications. All applications should include, where appropriate, detailed discussion of human subjects protection issues; e.g., storage of, manipulation of, and access to data. Provisions to ensure the inclusion of women, minorities, and potentially disabled individuals must be described, unless specific exclusions are scientifically necessary and justified in detail. All proposed research applications should address the issue of efficient dissemination of results to the widest appropriate audience. All applications should include letters of agreement to collaborate from potential collaborators; these letters should specify the contributions the collaborators intend to make if the application is accepted and funded.

The DOE also solicits applications for the preparation and dissemination of educational materials in any appropriate medium that will enhance understanding of the ethical, legal, and social aspects of the HGP among the public or specified groups; a particular interest of this notice is Institutional Review Boards (IRBs) and genome investigators who work with patients. This may include (but is not limited to) implications of disease predispositions, susceptibility genes, increased knowledge of polygenic conditions, informed consent issues or Human Genome Project materals- and resources-development and dissemination projects (e.g. the creation of a human DNA library, etc.). If an educational effort for a specific group is proposed, the value to the Human Genome Program of that group or community should be explained in detail. In addition, the DOE encourages applications for the support of novel and innovative conferences focusing on the concerns addressed in this notice (e.g. susceptibility/sensitivity genes, polymorphisms, and education of IRBs and investigators).

Educational and conference applications should demonstrate awareness of the relevant literature, and include detailed plans for the accomplishment of project goals. In applications that propose the production of series for broadcast, audio-visuals or other educational materials, the DOE requests that samples of previous similar work by the producers and writers be submitted along with the application. In applications for the support of educational activities, the DOE requests inclusion of a plan for assessment of the effectiveness of the proposed activities. For conference applications, a detailed and largely complete roster of speakers is necessary. At the completion of the conference, a summary or report is required. Educational and conference applications must also demonstrate awareness of the need to reach the widest appropriate audience, and not be focused exclusively on a local community or group.

Possible outcomes of these research and/or educational efforts may include (but are not limited to): model guidelines for research practices for studies of polygenic conditions and susceptibility genes; consensus documents on implications or significance of the genetic bases for

complex conditions; privacy and confidentiality studies of genetic information pertinent to complex conditions; model policies for genetic information about polygenic conditions for various settings (e.g. the workplace); exploration of worker/workplace issues; and materials for IRBs.

In all applications, a clear description of expected products or ''deliverables'' should be included, as well as a time line for their production and dissemination. In the absence of tangible products, rigorous assessments must be included to facilitate evaluation of progress.

DOE does not encourage applications dealing with issues consequent to the initiation or implementation of genetic testing protocols. Also, DOE does not encourage survey-based research, unless a compelling case is made that this methodology is critical to address an issue of uncommon significance. For applications which propose the development of college-level curricula, DOE requests both detailed justification of the need for external support, beyond normal departmental and college resources, evidence of commitment from the parent department or college, and a dissemination plan. Applications for the writing of scholarly publications or books should include justifications for the relevance of the publications or book to the goals of the Human Genome Project as well as discussion of the estimated readership and impact. DOE ordinarily will not provide unlimited support for a funded program and thus strongly encourages the inclusion of plans for transition to self-sustaining status.

The dissemination of materials and research data in a timely manner is essential for progress towards the goals of the DOE Human Genome Program. The OHER requires the timely sharing of resources and data. Applicants should, in their applications, discuss their plans for disseminating research results and materials that may include, where appropriate, publication in the open literature, wide-scale mailings, etc. Once OHER and the applicant have agreed upon a distribution plan, it will become part of the award conditions. Funds to defray the costs of disseminating results and materials are allowable; however, such requests must be sufficiently detailed and adequately justified. Applicants should also provide timelines projecting progress toward achieving proposed goals.

Potential applicants are strongly encouraged to submit a brief preapplication that consists of two to three pages of narrative describing the research project objectives and methods of accomplishment. These will be reviewed relative to the scope and research needs of the DOE's Human Genome Program. Principal investigator address, telephone number, FAX number and E-mail address are required parts of the preapplication. A response to each preapplication discussing the potential program relevance of a formal application generally will be communicated within 20 days of receipt. ER's preapplication policy for submitting preapplications can be found on ER's Grants and Contracts Web Site at: http:/www.er.doe.gov/production/grants/preapp.html.

It is anticipated that approximately $1,500,000 will be available for grant awards in this area during FY 1998, contingent upon availability of appropriated funds. Multiple year funding of grant awards is expected, and is also contingent upon availability of funds. Previous awards have ranged from $50,000 per year up to $500,000 per year with terms from one to three years; most awards average about $200,000 per year for two or three years. Similar award sizes are anticipated for new grants. Applications will be subjected to formal merit review (peer review) and will be evaluated against the following evaluation criteria which are listed in descending order of importance codified at 10 CFR 605.10(d):

1. Scientific and/or Technical Merit of the Project.

2. Appropriateness of the Proposed Method or Approach;

3. Competency of Applicant's personnel and Adequacy of Proposed Resources;

4. Reasonableness and Appropriateness of the Proposed Budget.

The evaluation will include program policy factors such as the relevance of the proposed research to the terms of the announcement and an agency's programmatic needs. Note, external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will often be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

To provide a consistent format for the submission, review and solicitation of grant applications submitted under this notice, the preparation and submission of grant applications must follow the guidelines given in the Application Guide for the Office of Energy Research Financial Assistance Program 10 CFR Part 605. Access to ER's Financial Assistance Application Guide is possible via the World Wide Web at: http:/www.er.doe.gov/production/grants/grants.html.

DOE policy requires that potential applicants adhere to 10 CFR 745 ''Protection of Human Subjects'', or such later revision of those guidelines as may be published in the Federal Register.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC, on February 25, 1997.

John Rodney Clark,

Associate Director, for Resource Management, Office of Energy Research.

[FR Doc. 97–5131 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP97–165–001]

Alabama-Tennessee Natural Gas Company; Notice of Compliance Filing

February 25, 1997.

Take notice that on February 19, 1997, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing the tariff sheets listed in Appendix B to the filing, to be effective June 1, 1997.

Alabama-Tennessee states that the tariff sheets are submitted in compliance with Order No. 587 and the Commission's order issued on January 30, 1997 (78 FERC ¶61,075).

Any person desiring to protest 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 Regulations. All such protests must be filed on or before March 12, 1997. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5103 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–252–000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

February 25, 1996.

Take notice that on February 19, 1997, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, TX 77251–1478, filed in the above docket, a request pursuant to Sections 157.205 and 157.211(a)(2) of the Commission's Regulations, for authorization to operate as a jurisdictional facility, a 2-inch tap and 2-inch meter station placed in service under Section 311(a) of the Natural Gas Act and Section 284.3(c) of the Commission's Regulations. Koch Gateway makes such requests, under its blanket certificate issued in Docket No. CP82–430, and pursuant to Section 7 of the Natural Gas Act and Section 284.3(c) of the Commission's Regulations. Koch Gateway makes such requests, under its blanket certificate issued in Docket No. CP82-430, and pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is file with the Commission and open to public inspection.

Koch Gateway states that the proposed certification of facilities will enable Koch Gateway to provide transportation services under its blanket transportation certificate through an existing meter station serving Entex Inc. (Entex), a Local Distribution Company, in Jasper County, TX. Koch Gateway further states it will operate the proposed facilities in compliance with 18 CFR, part 157, Subpart F, and the proposed activities will not affect Koch Gateway's ability to serve its other existing customers.

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 Rules of Practice and Procedure (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 is deemed to be authorized effective on 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. 97–5097 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–253–000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

February 25, 1997.

Take notice that on February 19, 1997, Koch Gateway Pipeline Company (Koch), P.O. Box 1478 Houston, Texas, 77251–1478 filed in Docket No. CP97–253–000 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 and permission to construct and operate various facilities for Westlake Polymers (Westlake), an end-user, under the blanket certificate issued in Docket No. CP82–430–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Koch states that it proposes to install (1) a two-inch delivery tap, 200 feet of two-inch pipeline and a two-inch meter station, (2) a two-inch delivery tap, 4,200 feet of four-inch pipeline and a two-inch meter station, (3) a six-inch delivery tap, 2,110 feet of eight-inch pipeline and a six-inch and four-inch meter station located in Calcasieu Parish Louisiana. Koch states that the service to the proposed taps will be interruptible. Koch asserts that Westlake's estimated peak day requirement for the three taps is 45,000 MMBtu with an average day requirement of 13,000 MMBtu.

Any person or the Commission's Staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (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 activities 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 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. 97–5098 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–261–000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

February 25, 1997.

Take notice that on February 21, 1997, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed a request with the Commission in Docket No. CP97–261–000, pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to operate existing delivery point facilities for delivery of natural gas directly to Ash Grove Cement Company (Ash Grove) instead of Intermountain Gas Company (Intermountain) authorized in blanket certificate issued in Docket No. CP82–433–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to operate the existing Idaho Portland Cement delivery point facilities for transportation deliveries directly to Ash Grove, an end-user, instead of to Intermountain, a local distribution company, that is currently serving Ash Grove.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, 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 NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, 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 NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5099 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER97–504–002 and OA97–32–000]

Pacific Northwest Generating Cooperative; Notice of Filing

February 25, 1997.

Take notice that on January 28, 1997, Pacific Northwest Generating Cooperative tendered for filing its response to the Commission's order issued on January 13, 1997 in the above-referenced dockets.

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 March 7, 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. 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. 97–5100 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER97–1615–000]

Portland General Electric Company; Notice of Filing

February 25, 1997.

Take notice that on February 7, 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 Non-firm Point-to-Point Transmission Service with Puget Sound Power & Light 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 Service Agreement to become effective January 24, 1997.

A copy of this filing was caused to be served upon Puget Sound Power & Light Company as noted in the filing letter.

Any person desiring to be heard or to protest said application, 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 March 10, 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. 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. 97–5101 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT97–4–000]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 25, 1997.

Take notice that on February 20, 1997, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet to be effective March 22, 1997:

Fourth Revised Sheet No. 221

WNG states that this filing is being made to update WNG's tariff in compliance with 18 CFR Part 250.16(b)(1), which requires an interstate natural gas pipeline to report any changes which occur to the list of operating personnel and facilities shared by the interstate natural gas pipeline and its marketing or brokering affiliates.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or 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 proceedings. 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5102 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP97–220–003 and RP89–183–071]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 25, 1997.

Take notice that on February 20, 1997, Williams Natural Gas Company (WNG), tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, Second Substitute Third Revised Sheet Nos. 8C and 8D, with the proposed effective date of February 1, 1997.

WNG states that on December 31, 1996, it filed, pursuant to Article 14 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1, its first quarter 1997 report of take-or-pay buyout, buydown and contract reformation costs and gas supply related transition costs, and the application or distribution of those costs and refunds. Revisions were made January 13, 1997 and January 21, 1997 to revise Schedule 4 of the original filing to reflect certain customers' January MDTQ's which were not finalized at the time of the filings.

WNG states that the instant filing is being made at a customer's request to show its regulated and nonregulated business as separate line items. All other aspects of WNG's December 31, filing are unchanged.

WNG states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all of WNG's jurisdictional customers and interested state commissions.

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 381.211 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 proceedings. 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. 97–5104 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–254–000]

Williams Natural Gas Company; Notice of Filing of Penalty Revenue Report

February 25, 1997.

Take notice that on February 18, 1997, Williams Natural Gas Company (WNG) tendered for filing a report of the amount of penalty revenue collected by WNG pursuant to the provisions of Article 9.5 of the General Terms and Conditions of its FERC Gas Tariff during Periods of Daily Balancing (PODB) occurring in January and February, 1996, and the proposed distribution of such revenue.

WNG states that as a result of severe weather conditions and resulting high demand for gas in its major market areas, WNG imposed two PODBs pursuant to Article 9.3 of its tariff during the 1995–96 winter heating season. These periods were January 19 and 20, 1996 and January 31 through February 4, 1996. Penalties were imposed for overruns of MDTQ and MDWQ, depletion of gas in storage, under receipts at receipt points and over deliveries at delivery points as provided in Article 9.5 of WNG's tariff. As a result, WNG has collected $3,169,881 in penalty revenues through November 30, 1996. WNG proposes to refund these penalty revenues plus accrued interest ($90,398 through November 30, 1996) to non-offending parties as shown herein.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 4, 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 proceedings. 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5105 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–256–000]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 25, 1997.

Take notice that on February 20, 1997, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to be effective March 22, 1997:

First Revised Sheet No. 227B
First Revised Third Revised Sheet No. 228
First Revised Second Revised Sheet No. 229

WNG states that this filing is being made to modify Article 9.2, Scheduling, of the General Terms and Conditions of its tariff to provide a higher level of scheduling priority for secondary receipt or delivery points which are located on the same line segment as the primary receipt or delivery points under the shipper's service agreement. The proposed change would, of course, be applicable to both original capacity holders and released capacity holders.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or 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 proceedings. 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5106 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–257–000]

Williams Natural Gas Company; Notice of Cash-Out Report

February 25, 1997.

Take notice that on February 20, 1997, Williams Natural Gas Company (WNG) tendered for filing, pursuant to Article 9.7(d) of the General Terms and Conditions of its FERC Gas Tariff, its report of costs and revenue related to cash-outs for the period October 1, 1995 through September 30, 1996.

WNG states that pursuant to the cash-out mechanism in Article 9.7(a)(iv) of WNG's FERC Gas Tariff, Shippers are given the option of resolving their imbalances by the end of the calendar month following the month in which the imbalance occurred by cashing-out such imbalances at 100% of the spot market price applicable to WNG as published in the first issue of Inside FERC's Gas Market Report for the month in which the imbalance occurred. Net monthly imbalances that are not resolved by the end of the second month following the month in which the imbalance occurred and that exceeded the tolerance specified in Article 9.7(b) are cashed-out at a premium or discount from the spot price according to the schedules set forth in Article 9.7(c). Consistent with its filings in Docket Nos. RP95–132 and RP96–145, WNG is filing its report of costs and revenue related to cash-outs.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 4, 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 proceedings. 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5107 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–M

Federal Energy Regulatory Commission

[Docket No. EG97–33–000, *et al.]*

Habibullah Coastal Power (Private) Company, et al.; Electric Rate and Corporate Regulation Filings

February 25, 1997.

Take notice that the following filings have been made with the Commission:

1. Habibullah Coastal Power (Private) Company

[Docket No. EG97–33–000]

Take notice that on February 6, 1997, Habibullah Coastal Power (Private) Company (Applicant) 1st and 2nd Floors, Nacon House, 270 Montana Din Muhammed Wafai Road, Narachi 74200, Pakistan, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant, a Pakistan private unlimited liability company, intends to own certain generating facilities in Pakistan. These facilities will consist of a 140 MW (gross) electric generating facility located in Quetta, Balochistan Province, Pakistan, including three gas turbine units and related interconnection facilities.

Comment date: March 17, 1997, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adquacy or accuracy of the application.

2. CMS Electric Marketing Company

[Docket No. ER96–2350–004]

Take notice that on February 11, 1997, CMS Eclectic Marketing Company tendered for filing a Notice of Succession.

The Notice of Succession results from the sale of all of CMS Electric Marketing Company's assets to CMS Marketing, Services and Trading Company.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. New York State Electric & Gas Corporation

[Docket No. ER96–2464–000]

Take notice that New York State Electric & Gas Corporation (''NYSEG'') on February 7, 1997, tendered for filing pursuant to Section 35.13 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.13, an agreement with Delmarva Power & Light Company (''Delmarva'') as an amendment to and a complete substitute for, a rate schedule filed on July 18, 1996, the consideration of which has been deferred by the FERC. The agreement provides a mechanism pursuant to which the parties can enter into separatedly scheduled transactions under which NYSEG will sell to Delmarva and Delmarva 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 8, 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 Delmarva.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. PanEnergy Trading and Market Services, L.L.C.

[Docket No. ER96–2921–001]

Take notice that on February 7, 1997, PanEnergy Trading and Market Services, L.L.C. tendered for filing FERC Rate Schedule No. 1.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Unocal Corporation

[Docket No. ER97–262–000]

Take notice that on February 4, 1997, Unocal Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Toledo Gas Company

[Docket No. ER97–455–001]

Take notice that on January 27, 1997, Toledo Gas Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER97–1138–000]

Take notice that on February 14, 1997, Illinois Power Company (''Illinois Power''), 500 South 27th Street, Decatur, Illinois, 62525, tendered for filing corrections to the firm and/or non-firm transmission service agreements filed in the above dockets.

It has come to IP's attention that Section 3 of the Firm Transmission Service Agreements incorrectly referred to Section 9 of IP's open access tariff as opposed to Section 17.3, and that Section 2 of the non-firm transmission service agreements incorrectly referred to Section 10 of the tariff, rather than Section 18.2. By this filing, IP corrects these agreements.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Niagara Mohawk Power Corporation

[Docket No. ER97–1369–000]

Take notice that on February 14, 1997, Niagara Mohawk Power Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Soyland Power Cooperative, Inc.

[Docket No. ER97–1475–000]

Take notice that on February 11, 1997, Soyland Power Cooperative, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Northeast Utilities Service Company

[Docket No. ER97–1530–000]

Take notice that on January 30, 1997, Northeast Utilities Service Company tendered for filing its summary of activity under the Systems Companies Tariff No. 7 for the quarter ending December 31, 1996.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Premier Enterprises, LLC

[Docket No. ER97–1563–000]

Take notice that on February 5, 1997, Premier Enterprises, LLC tendered for filing a Notice of Succession changing its name from Premier Enterprises, Inc. to Premier Enterprises, LLC, effective January 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota Company)

[Docket No. ER97–1616–000]

Take notice that on February 10, 1997, Northern States Power Company, Minnesota (NSP) tendered for filing of Supplement No. 1 to the Municipal Interconnection and Interchange agreement between NSP and the City of Kasson, Minnesota. NSP has requested an effective date of February 11, 1997 from the Commission.

A copy of the filing was served upon each of the parties named in the Service List.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota Company)

[Docket No. ER97–1617–000]

Take notice that on February 10, 1997, Northern States Power Company (Minnesota) (NSP) tendered for filing a Supplement No. 1 to the Oakdale Project Ownership and Operating Agreement and Oakdale Substation Service Agreement (Supplement) dated June 3, 1996, between NSP and the City of North St. Paul (City). NSP files this agreement on behalf of City and itself.

This Supplement changes the procedures between the Parties for certain maintenance activities. NSP requests the Commission accept this Agreement for filing effective March 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Delmarva Power & Light Company

[Docket No. ER97–1618–000]

Take notice that on February 10, 1997, Delmarva Power & Light Company (Delmarva) tendered for filing a service agreement providing for non-firm point-to-point transmission service from time to time to Vitol Gas & Electric LLC pursuant to Delmarva's open access transmission tariff. Delmarva asks that the Commission set an effective date for the service agreement of February 10, 1997, the date on which it was filed.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Delmarva Power & Light Company

[Docket No. ER97–1619–000]

Take notice that on February 10, 1997, Delmarva Power & Light Company (Delmarva) tendered for filing a service agreement providing for non-firm point-to-point transmission service from time to time to CNG Power Services Corp. pursuant to Delmarva's open access transmission tariff. Delmarva asks that the Commission set an effective date for the service agreement of February 10, 1997, the date on which it was filed.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Delmarva Power & Light Company

[Docket No. ER97–1620–000]

Take notice that on February 10, 1997, Delmarva Power & Light Company (Delmarva) tendered for filing a service agreement providing for non-firm point-to-point transmission service from time to time to Southern Energy Trading and Marketing, Inc. pursuant to Delmarva's open access transmission tariff. Delmarva asks that the Commission set an effective date for the service agreement of February 10, 1997, the date on which it was filed.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Columbia Energy Services Corporation

[Docket No. ER97–1621–000]

Take notice that on February 10, 1997, Columbia Energy Services Corporation (CES) tendered for filing with the Federal Energy Regulatory Commission CES's Rate Schedule No. 1, which permits CES to make wholesale power sales at market-based rates.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Allegheny Power Service Corp., on behalf of Monongahela Power Company, The Potomac Edison Company, and West, and Penn Power Company (Allegheny Power)

[Docket No. ER97–1622–000]

Take notice that on February 10, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 11 to add American Electric Power Service Corporation and Wisconsin Electric Power Company to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–18–000. The proposed effective date under the Service Agreements is February 6, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Edison Company

[Docket No. ER97–1623–000]

Take notice that on February 7, 1997, Commonwealth Edison Company (ComEd) submitted for filing two Service Agreements establishing CNG Power Services Corporation (CNG), and Union Electric Company (UE), as non-firm transmission customers under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd also submits for filing nine Service Agreements for various firm transactions with Sonat Power Marketing LP (Sonat), and one Service Agreement for a firm transaction with Duke/Louis Dreyfus L.L.C. (D/LD), under the terms of ComEd's OATT.

ComEd requests an effective date of January 8, 1997, for the non-firm service agreements with CNG and UE; an effective date of January 9, 1997, for the firm service agreements dated January 9, 1997 with Sonat; and effective date of January 10, 1997 for the two firm service agreements dated January 10, 1997 with Sonat; an effective date of January 13, 1997, for the four firm service agreements dated January 13, 1997 with Sonat; an effective date of January 14, 1997, for the two firm service agreements dated January 14, 1997 with Sonat; and an effective date of January 15, 1997 for the firm service agreement with D/LD, and accordingly seeks waiver of the Commission's requirements.

Copies of this filing were served upon WEPCO, PSE&G, and the Illinois Commerce Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Cinergy Services, Inc.

[Docket No. ER97–1624–000]

Take notice that on February 10, 1997, Cinergy Services, Inc. (Cinergy) tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Equitable Power Services Company.

Cinergy and Equitable Power Services Company are requesting an effective date of February 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Tucson Electric Power Company

[Docket No. ER97–1625–000]

Take notice that on February 7, 1997, Tucson Electric Power Company tendered for filing three (3) service agreements for transmission service under Part II of its Open Access Transmission Tariff filed in Docket No. OA96–140–000. The agreements are as follows:

1. Service Agreement for Firm Point-to-Point Transmission Service with PacifiCorp dated December 26, 1996.

2. Service Agreement for Firm Point-to-Point Transmission Service with

Tucson Electric Power Company, Contracts & Wholesale Marketing dated December 26, 1996.

3. Service Agreement for Non-Firm Point-to-Point Transmission Service with Tucson Electric Power Company, Contracts & Wholesale Marketing dated February 7, 1997.

Copies of the filing were served upon each of the parties to the service agreements.

Comment date: March 17, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Sierra Pacific Power Company

[Docket No. ER97–1626–000]

Take notice that on February 11, 1997, Sierra Pacific Power Company (Sierra) tendered for filing Service Agreements (Service Agreements) with the following entities for Non Firm Point-to-Point Transmission Service under Sierra's Open Access Transmission Tariff (Tariff):

Arizona Public Service Company

1. Enron Power Marketing, Inc.
2. Idaho Power Company
3. PacifiCorp
4. PanEnergy Trading & Marketing Services, L.L.C.
5. Southern Trading And Marketing, Inc.

Sierra filed the executed Service Agreements with the Commission in compliance with Section 14.4 of the Tariff and applicable Commission Regulations. Sierra also submitted revised Sheet No. 148 (Attachment E) to the Tariff, which is an updated list of all current subscribers. Sierra requests waiver of the Commission's notice requirements to permit and effective date of February 11, 1997 for Attachment E, and to allow the Service Agreements to become effective according to their terms.

Copies of this filing were served upon the Public Service Commission of Nevada, the Public Utilities Commission of California and all interested parties.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Wisconsin Power and Light Co.

[Docket No. ER97–1627–000]

Take notice that on February 10, 1997, Wisconsin Power and Light Company (WP&L) tendered for filing Form of Service Agreements for Customers who have signed WP&L's Final Order pro forma transmission tariff submitted in Docket No. OA96–20–000. The customers are Aquila Power Corporation, Enron Power Marketing, Inc., MidCon Power Services Corp., NorAm Energy Services, Inc., and Valero Power Services Company. The customers previously signed earlier versions of WP&L's transmission tariffs.

WP&L requests an effective date of July 9, 1996, and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Northeast Utilities Service Co.

[Docket No. ER97–1628–000]

Take notice that on February 10, 1997, Northeast Utilities Service Company (NUSCO), tendered for filing a Service Agreement with CMS Marketing, Services & Trading Co (CMS MST) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to CMS MST.

NUSCO requests that the Service Agreement become effective April 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Boston Edison Company

[Docket No. ER97–1629–000]

Take notice that on February 10, 1997, Boston Edison Company (Boston Edison), tendered for filing a Service Agreement and Appendix A under Original Volume No. 6, Power Sales and Exchange Tariff (Tariff) for Baltimore Gas & Electric (Baltimore). Boston Edison requests that the Service Agreement become effective as of February 1, 1997.

Edison states that it has served a copy of this filing on Baltimore and the Massachusetts Department of Public Utilities.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Northeast Utilities Service Company

[Docket No. ER97–1631–000]

Take notice that on February 13, 1997, Northeast Utilities Service Company (NUSCO) tendered for filing a Service Agreement with AIG Trading Corp. (AIG) under the NU System Companies' Sales for Resale, Tariff No. 7.

NUSCO states that a copy of this filing has been mailed to AIG.

NUSCO requests that the Service Agreement become effective February 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Carolina Power & Light Company

[Docket No. ER97–1632–000]

Take notice that on February 13, 1997, Carolina Power & Light Company (Carolina) tendered for filing an executed Service Agreement between Carolina and the following Eligible Entity: Morgan Stanley Capital Group Inc. (MSCG). Service to the Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. Public Service Company Of Colorado

[Docket No. ER97–1635–000]

Take notice that on February 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Non-Firm Transmission Service between Public Service Company of Colorado and Public Service Company of New Mexico. Public Service states that the purpose of this filing is to provide Non-Firm Transmission Service in accordance with its Open Access Transmission Service Tariff. Public Service requests that this filing be made effective January 17, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. Public Service Company Of Colorado

[Docket No. ER97–1636–000]

Take notice that on February 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Non-Firm Transmission Service between Public Service Company of Colorado and Platte River Power Authority. Public Service states that the purpose of this filing is to provide Non-Firm Transmission Service in accordance with its Open Access Transmission Service Tariff. Public Service requests that this filing be made effective January 17, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. Public Service Company of Colorado

[Docket No. ER97–1637–000]

Take notice that on February 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Non-Firm Transmission Service between Public Service Company of

Colorado and Aquila Power Corporation. Public Service states that the purpose of this filing is to provide Non-Firm Transmission Service in accordance with its Open Access Transmission Service Tariff. Public Service requests that this filing be made effective January 17, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Central Louisiana Electric Company, Inc.

[Docket No. ER97–1638–000]

Take notice that on February 13, 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 Vitol Gas and Electric (''Vitol'') under its point-to-point transmission tariff.

CLECO states that a copy of the filing has been served on Vitol.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

32. PECO Energy Company

[Docket No. ER97–1639–000]

Take notice that on February 13, 1997, PECO Energy Company (PECO) tendered for filing a Service Agreement dated February 6, 1997 with Citizens Lehman Power Sales (Citizens Lehman) under PECO's FERC Electric Tariff Original Volume No. 5 (Tariff). The Service Agreement adds Citizens Lehman as a customer under the Tariff.

PECO requests an effective date of February 6, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to Citizens Lehman and to the Pennsylvania Public Utility Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

33. Louisville Gas and Electric Company

[Docket No. ER97–1641–000]

Take notice that on February 13, 1997, Louisville Gas and Electric Company (LG&E), by letter dated February 10, 1997, tendered for filing a Non-firm Point-to-Point Transmission Service Agreement between LG&E and Consumers Power Company dba Consumers Energy Company and Detroit Edison Company under LG&E's Open Access Transmission Tariff.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

34. Louisville Gas and Electric Company

[Docket No. ER97–1642–000]

Take notice that on February 13, 1997, Louisville Gas and Electric Company (LG&E), by letter dated February 10, 1997, tendered for filing a Service Agreement between LG&E and Consumers Power Company dba Consumers Energy Company and The Detroit Edison Company under LG&E's Rate Schedule GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

35. Louisville Gas and Electric Company

[Docket No. ER97–1644–000]

Take notice that on February 11, 1997, Louisville Gas and Electric Company tendered for filing copies of a service agreement between Louisville Gas and Electric Company and PanEnergy Power Services under Rate GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

36. Louisville Gas and Electric Company

[Docket No. ER97–1645–000]

Take notice that on February 11, 1997, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Federal Energy Corp. under Rate GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

37. Louisville Gas and Electric Company

[Docket No. ER97–1646–000]

Take notice that on February 11, 1997, Louisville Gas and Electric Company tendered for filing copies of a service agreement between Louisville Gas and Electric Company and MidCon Power Services Corp. under Rate GSS.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

38. Illinois Power Company

[Docket No. ER97–1647–000]

Take notice that on February 11, 1997, Illinois Power Company (Illinois Power) tendered for filing firm and non-firm transmission agreements under which Vitol Gas & Electric LLC will take transmission service pursuant to its open access transmission tariff. The agreements are based on the form of Service Agreement to Illinois Power's tariff.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

39. Illinois Power Company

[Docket No. ER97–1648–000]

Take notice that on February 11, 1997, Illinois Power Company (''Illinois Power''), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Power Company of America will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 1, 1997.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

40. Central Illinois Public Service Company

[Docket No. ER97–1649–000]

Take notice that on February 11, 1997, Central Illinois Public Service Company (CIPS) submitted a service agreement, dated February 4, 1997, establishing the Tennessee Valley Authority (TVA) as a customer under the terms of CIPS' Open Access Transmission Tariff.

CIPS requests an effective date of February 4, 1997 for the service agreement. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon TVA and the Illinois Commerce Commission.

Comment date: March 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

41. The United Illuminating Company

[Docket No. OA97–521–000]

Take notice that on January 31, 1997, The United Illuminating Company (''UI'') tendered for filing its Policy Implementing the FERC Standards of Conduct contained in Section 37.4 of the Commission's regulations, 18 CFR 37.4, in compliance with the Commission's Order No. 889, 61 Fed. Reg. 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,037 (1996), *reh'g pending,* and the Commission's order in *The United Illuminating Co., et al.,* Notice of Extension of Time, Docket Nos. OA96–157–000 et al. (December 16, 1996).

Comment date: March 11, 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. 97–5140 Filed 2–28–97; 8:45 am]

BILLING CODE 6717–01–P

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 24, 1997, 62 FR 8237.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 26 1997, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number and Company have been added to the Agenda scheduled for the February 26, 1997 meeting.

Item No.	Docket No. and company
CAG–7	RP97–137–000, Southern Natural Gas Company.

Lois D. Cashell,

Secretary.

[FR Doc. 97–5268 Filed 2–27–97; 11:50 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of January 20 Through January 24, 1997

During the week of January 20 through January 24, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: February 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 17

Week of January 20 through January 24, 1997

Appeals

Cascade Scientific, Inc., 1/23/97, VFA–0257

Cascade Scientific, Inc., filed an Appeal from a determination issued to it by the Richland Operations Office (Richland). In its Appeal, Cascade asserted that Richland improperly withheld unit price figures from a document requested pursuant to the FOIA. The DOE determined that Richland had correctly applied Exemption 4 to the unit price figures and the Appeal was denied.

Refund Applications

Department of the Navy, RF272–00464
U.S. Army Engineer District, RF272–77326
Charleston Naval Shipyard, RF272–77502
Accounting & Finance Office, 1/23/97, RF272–78004

The DOE dismissed Applications for Refund filed by four elements of the Department of Defense (DOD). The DOE noted that the Defense Logistics Agency had already received a refund for the total DOD consumption of domestic petroleum products during the refund period.

Ward Transport, Inc./William R. Ward, 1/23/97, RK272–04007

William R. Ward submitted an Application for a Supplemental Refund in the crude oil refund proceeding. As the former owner of the original Applicant, Ward Transport, Inc., Mr. Ward sought supplemental refund monies due to the corporation despite the fact that he sold the entire capital stock of the firm in 1989. After reviewing the purchase agreement, the DOE determined that Mr. Ward had not retained the right to receive a refund based on the corporation's refined product purchases when he sold the capital stock. Accordingly, Mr. Ward's Application for Supplemental Refund was denied.

Department of Veteran Affairs, 1/23/97, RR272–00111

The DOE denied a Motion for Reconsideration filed by a group of States from a Decision and Order granting a refund to a Department of Veterans Affairs (Veterans) medical center. The DOE rejected the States' argument that Veterans' status as a Federal agency was a bar to a crude oil refund. The DOE also rejected the States' argument that the purchases specified in the Veterans' Applications had already formed the basis for an earlier refund.

Land Paving Company, 1/21/97, RR272–00274

DOE denied a Motion for Reconsideration of a prior crude oil refund decision. The DOE found that the refund should go to the debtor in possession of the applicant company in a pending chapter 11 bankruptcy proceeding, rather than to either the estate of the owner of the firm or to a related firm.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Clark Oil Dealer	RF342–274	.....
E.D. Fee Transfer, Inc., E.D. Fee Transfer, Inc	RG272–387, RR272–261	1/23/97
Gulf Stream Lumber Co	RK272–01037	1/21/97
Halifax County, et al	RF272–86421	1/23/97
J.J. Carter & Son of Nashville, et al	RK272–03252,	1/21/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Lee Britton Clark	RF342–93

[FR Doc. 97–5124 Filed 2–28–97; 8:45 am]
BILLING CODE 6450–01–P

Notice of Issuance of Decisions And Orders During the Week of January 27 Through January 31, 1997

Office of Hearings and Appeals

During the week of January 27 through January 31, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: February 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 18

Week of January 27 through January 31, 1997

Appeals

Consolidated Edison Company of New York, Inc., 1/28/97, VFA–0006

The DOE denied an appeal of a utility from a determination of its liability to the Uranium Enrichment Decontamination and Decommissioning Fund established under the Energy Policy Act of 1992. The DOE determined that the utility was properly assessed for separative work it purchased in leasing uranium from the DOE and for separative work used to enrich excess uranium the utility provided to its nuclear fuel fabricator.

Ezra A. Beattie, Sr., 1/28/97, VFA–0247

The DOE denied a Freedom of Information Act (FOIA) Appeal filed by Ezra A. Beattie, Sr. Beattie sought information concerning a particular Office of the Inspector General (IG) investigation. The OHA found that the IG's withholding of the identities of individuals who had provided information to the IG was appropriate under FOIA Exemptions 6 and 7(C).

Eugene Maples, 1/31/97, VFA–0258

Eugene Maples filed an Appeal from a determination issued by the Office of Inspector General (OIG) on November 25, 1996. The determination released information Mr. Maples had requested but deleted all personal names in that information under Exemptions 6 and 7(C). The DOE determined that not all of the names deleted were eligible for withholding under these Exemptions, because some of them were of persons who were neither the focus of the OIG's investigation nor witnesses. Therefore, the DOE granted the Appeal in part, and remanded the matter to the OIG to determine whether any of the names withheld could be released.

Request for Exception

Lepiers' Inc., 11/28/97, VEE–0034

LePiers' Inc., filed an Application for Exception from the requirement that it file Form EIA–782B, entitled ''Resellers/Retailers' Monthly Petroleum Products Sales Report.'' The DOE found that exception relief was not warranted in this case, because LePiers' was not experiencing a special hardship, inequity or unfair distribution of burdens as a result of the requirement that it file the Form. Consequently, the DOE concluded that the Application for Exception filed by LePiers' should be denied.

Personnel Security Hearing

Personnel Security Hearing, 11/28/97, VSO–0101

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization. The DOE Personnel Security Division alleged that the individual: (1) Deliberately misrepresented in a personnel security interview his use of marijuana and problems with prescription drugs; and (2) used, or experimented with drugs or other controlled substance. The DOE alleged that this conduct tends to show that the individual is not honest, reliable, or trustworthy. The Hearing Officer determined that the individual did not deliberately falsify information in a personnel security interview. However, the Hearing Officer also determined that the individual used an illegal drug and abused prescription medication, which indicated that he is not honest, reliable or trustworthy. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Refund Applications

Oivind Lorentzen Shipping As, 11/27/97, RG272–613

The DOE denied an Application for Refund filed on behalf of Oivind Lorentzen Shipping AS in the crude oil refund proceeding. The basis for the denial was the finding that the estimation method used by the firm to determine its petroleum product purchases during the refund period was not reasonable.

Wells Cargo, Inc., 11/28/97, RR272–124

Wells Cargo, Inc., filed a Motion for Reconsideration in the Supart V crude oil overcharge refund proceeding. The Office of Hearings and Appeals had previously rescinded the firm's crude oil refund because the firm had waived the right to receive such a refund by participating as a Surface Transporter in the Stripper Well refund proceeding. The firm requested that the Office of Hearings and Appeals reconsider that rescission, contending that it should have been able to claim refunds in the Subpart V refund proceeding that it could not have claimed in the Stripper Well refund proceeding. The OHA found no merit in this argument, stating that this very position had already been clearly considered and rejected by the Temporary Emergency Court of Appeals. Accordingly, Wells Cargo's Motion was denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Chatham Memorial Hospital	RJ272–33	1/28/97
Crude Oil Supple Ref Dist	RB272–00099	1/27/97
Dorothy and Harriet Davis	RK272–03695	1/30/97
D. R. and H. C. Davis	RK272–03933	
D. R. and H. C. Davis	RC272–00359	
Dorothy and Harriet Davis	RC272–00360	
Edwards Bros., Inc.	RA272–76	1/30/97
Farm Gas Coop. Assoc. et al	RG272–13	1/30/97
Medford Corporation	RJ272–34	1/29/97
Texaco Inc./William Penry	RF321–21089	1/30/97
Joanna Penry	RF321–21090	
Thelma E. McKee et al	RK272–01600	1/30/97
WHS, Inc	RF272–89499	1/30/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Arawak Paving Co., Inc	RR272–00280
Harold & J. E. Layton	RR272–00277
Marietta Cooperative Oil Co	RG272–648
Personnel Security Hearing	VSO–0092
Personnel Security Hearing	VSO–0110
Poe Asphalt Paving, Inc	RR272–00278
Sankey Construction, Inc	RR272–00279
Varig Airlines	RG272–626

[FR Doc. 97–5125 Filed 2–28–97; 8:45 am]

BILLING CODE 6450–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Tuesday, March 11, 1997, at 2:00 P.M. (Eastern Time).

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, N.W., Washington, D.C. 20507.

STATUS: Part of the Meeting will be open to the public and part of the Meeting will be closed.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Commissioners' presentations on recently announced Task Forces:
   A. Assessing Priority Charge Handling System
   B. Litigation Strategy
   C. Best Employer Practices

Closed Session

Litigation Authorization: General Counsel Recommendations

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTD) at any time for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Dated: February 26, 1997.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 97–5275 Filed 2–27–97; 12:17 pm]

BILLING CODE 6750–06–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 24, 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 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 May 2, 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 No.: 3060–0536.

Title: Rules and Requirements for Telecommunications Relay Services (TRS) Interstate Cost Recovery.

Form No.: FCC Form 431.

Type of Review: Extension.

Respondents: Business or other for-profit entities.

Number of Respondents: 5000 respondents.

Estimate Hour Per response: 3.1 hours per response (avg.).

Total Annual Burden: 15,593 hours.

Needs and Uses: Title IV of the Americans with Disabilities Act of 1990 (ADA) requires the Commission to ensure that telecommunications relay services are available, to the extent possible, to individuals with hearing and speech disabilities in the United States. To fulfill this mandate, the Commission adopted rules that require the provision of TRS service beginning July 26, 1993. The Commission set minimum standards for TRS providers and established a shared-funding mechanism (TRS Fund) for recovering the costs of providing interstate TRS. The Commission also appointed the National Exchange Carrier Association (NECA) the TRS Fund administrator, and directed NECA to establish a non-paid, voluntary advisory committee to monitor cost recovery matters.

The Commission's rules require all carriers providing interstate telecommunications services to contribute to the TRS Fund. The amount contributed is the product of the carrier's gross interstate revenues for the previous year and a contribution factor determined annually by the Commission. Contributions are calculated in accordance with a TRS Fund Worksheet which is prepared each year by the Commission and published in the Federal Register. Payments from the fund are made to eligible TRS providers and are designed to cover the reasonable costs incurred in providing interstate TRS service. See 47 CFR Sections 64.601.64.608 for rules and requirements governing telecommunications relay services.

OMB Approval Number: 3060–0104.

Title: Temporary Permit to Operate a Part 90 Radio Station.

Form No.: FCC 572.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit; Individuals or households; State or Local Governments; Non-profit institutions.

Number of Recordkeepers: 2,000.

Estimated Time Per Response: 6 minutes (.10).

Total Annual Burden: 200 hours.

Needs and Uses: FCC Rules require that applicants complete FCC Form 572 if they wish to have immediate authorization to operate 2-way radio equipment already authorized in Part 90 radio services. This form is required by the Communications Act, International Treaties and FCC Rules 47 CFR Parts 1.922, and 1.925, 90.119, 90.159, 90.437 and 90.657.

OMB Approval Number: 3060–0025.

Title: Application for Restricted Radiotelephone Operator Permit—Limited Use.

Form No.: FCC 755.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals.

Number of Respondents: 1,000.

Estimated Time Per Response: 20 minutes (.33).

Total Annual Burden: 330 hours.

Needs and Uses: In accordance with the Communications Act, applicants must possess certain qualifications in order to qualify for a radio operator license. The data will be used to identify the individuals to whom the license is issued and to confirm that the individual possesses the required qualifications for the license. Applicants using this form are not eligible for employment in the United States but need an operator permit because they hold an Aircraft Pilot Certificate which is valid in the U.S. and need to operate aircraft radio stations; or they hold an FCC radio station license and will use the permit for operation of that particular station.

The number of respondents has been increased from 800 to 1,000, attributed to a re-evaluation of receipts. The form is being revised to add a space for the applicant to provide an Internet address. This will provide an additional option of reaching the applicant should the FCC have any questions concerning the application. The drug certification is being incorporated into the certification text prior to applicant signature and the requirement to check a ''yes/no'' block eliminated. The request for applicant's mailing address ''state'' is being changed to ''state/country'' to accomodate foreign mailing addresses. The Commission will redact the applicant birthdate from information available for public view.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–5091 Filed 2–28–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting; Sunshine Act Notice: Correction

FEDERAL REGISTER CITATION OF PREVIOUS NOTICE: 62 FR 8742, February 26, 1997.

This notice corrects an earlier notice which was published at 62 FR 8742, on February 26, 1997.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m. Wednesday, March 5, 1997.

PLACE: Board Room, Second Floor, Federal Housing Finance Board,1777 F Street, NW., Washington, DC 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Mission Regulation—Proposed Rule.
- Affordable Housing Program Application Approvals.
- Financial Management Policy.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 97–5264 Filed 2–27–97; 11:27 am]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

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 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.

Sanpo Unyu Co., Ltd., 145 105th Avenue, SE, Suite 31, Bellevue, WA 98004, Officers: Kazuo Nakagawa, President; Yoshiya Ono, Managing Director

Data Freight Corporation, 1650 NW 94th Avenue, Miami, FL 33172, Officer: Mark D. Leverett, President.

Dated: February 25, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–5078 Filed 2–28–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the

assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 27, 1997.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Alliance Bancorp of New England, Inc., Vernon, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of Tolland Bank, Tolland, Connecticut.

B. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Harris Financial MHC, Harrisburg, Pennsylvania; to acquire 100 percent of the voting shares of Harris Financial Inc., Harrisburg, Pennsylvania, and thereby indirectly acquire Harris Savings Bank, Harrisburg, Pennsylvania.

In connection with this application, Harris Financial, Inc. also has applied to become a bank holding company.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Texas Financial Bancorporation, Inc., Minneapolis, Minnesota, and Delaware Financial Bancorporation, Inc., Wilmington, Delaware; to acquire 100 percent of the voting shares of Austin County Bancshares, Inc., Bellville, Texas, and thereby indirectly acquire Austin County Bancshares-Delaware, Wilmington, Delaware, and Austin County State Bank, Bellville, Texas.

Board of Governors of the Federal Reserve System, February 25, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–5118 Filed 2-28-97; 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. 97-4154) published on pages 7783 abd 7784 of the issue for Thursday, February 20, 1997.

Under the Federal Reserve Bank of Minneapolis heading, the entry for TCF Financial Corporation, Minneapolis, Minnesota, is revised to read as follows:

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480-2171:

1. TCF Financial Corporation, Minneapolis, Minnesota; to acquire TCF Minnesota Financial Services, Inc., Minneapolis, Minneosta, and thereby engage in holding record title to mortgages securing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Comments on this application must be received by March 14, 1997.

Board of Governors of the Federal Reserve System, February 25, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–5120 Filed 2-28-97; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 17, 1997.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Keystone Financial Inc., Harrisburg, Pennsylvania; to acquire Financial Trust Services Company, Carlisle, Pennsylvania,and thereby engage in providing trust services to affiliated bank subsidiaries, pursuant to § 225.25(b)(3) of the Board's Regulation Y, and thereby indirectly acquire Financial Trust Life Insurance Company, Phoenix, Arizona, and thereby engage in providing credit related life insurance to affiliated bank loan customers, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. Federal Reserve Bank of Cleveland (R. Chris Moore, Senior Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. F.N.B. Corporation, Hermitage, Pennsylvania, and Southwest Banks, Inc., Naples, Florida; to engage in accounts receivable financing (factoring), pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Stichting Prioriteit ABN AMRO Holding, Amsterdam, The Netherlands, Stichting Administratiekantoor ABN AMRO Holding, Amsterdam, The Netherlands, ABN AMRO Holding N.V., Amsterdam, The Netherlands, and ABN AMRO Bank N.V., Amsterdam, The Netherlands; to acquire Citicorp Futures Corporation, New York, New York, and thereby indirectly acquire Citifutures Limited, London, England, and Citicorp Futures Limited, Singapore, and thereby engage in acting as a futures commission merchant (FCM) in the execution and clearing of financial futures contracts and options on futures contracts, pursuant to § 225.25(b)(17) of the Board's Regulation Y; in providing investment advice as an FCM or commodity trading advisor (CTA), pursuant to § 225.25(b)(18), in acting as an FCM in the execution and clearance of futures and options on futures contracts based on bonds or other debt instruments, certain commodities, and stock, bond, or commodity indices, and providng investment advice with

respect to such contracts, pursuant to ABN AMRO, 83 Fed. Res. Bull. (1997)(order dated Dec. 11, 1996); and in providing execution-only or clearing-only services with respect to financial and non-financial futures and options on futures contracts, pursuant to Citicorp, 81 Fed. Res. Bull. 164 (1995).

D. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480-2171:

1. Community First Bankshares, Inc., Fargo, North Dakota; to engage *de novo* through its subsidiary, Community First Financial, Inc., Fargo, North Dakota, in permissible nonbanking activities of making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 25, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–5119 Filed 2-28-97; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request Proposed Projects

Title: Early Head Start Evaluation.

OMB No.: 0970–0143.

Description: The Head Start Reauthorization Act of 1994 established a special initiative creating funding for services for families with infants and toddlers. In response the Administration on Children, Youth and Families (ACYF) designated the Early Head Start (EHS) program. In September 1995, ACYE awarded grants to 68 local programs to serve families with infants and toddlers. ACYF awarded grants to an additional 75 local programs in September 1996.

EHS programs are designated to produce outcomes in four domains: (1) child development, (2) family development, (3) staff development, and (4) community development. The Reauthorization required that this new initiative be evaluated. To study the effect of the initiative, ACYE awarded a contract through a competitive procurement to Mathematica Policy Research, Inc. (MPR) with a subcontract to Columbia University's Center for Young Children and Families. The evaluation will be carried out from October 1, 1995 through September 30, 2000. Data collection activities that are the subject to this Federal Register notice are intended for the second phase of the EHS evaluation.

The sample for the child and family assessments will be approximately 3,400 families who include a pregnant women or a child under 12 months of age, in 17 EHS study sites. Each family will be randonly assigned to a treatment group or a control group. The sample for the child care assessments will include the primary child care provider for the focal child in each of the 3,400 study sample families. The surveys and assessments will be conducted through computer-assisted telephone and personal interviewing, pencil and paper self-administered questionnaires, structured observations and videotaping. All data collection instruments have been designed to minimize the burden on respondents by minimizing interviewing and assessment time. Participation in the study is voluntary and confidential.

The information will be used by government managers, Congress and others to identify the features and evaluate the effectiveness of the EHS program.

Respondents: Applicants to the Early Head Start program and child care providers for Early Head Start families and control group families.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
24-Month Parent Interview, Child Assessment, and Videotaping Protocol	1,412	1	2.5	3,530
Parent Services Follow-Up Interview:				
12-Month Follow-Up	1,475	1	1	1,475
18-Month Follow-Up	1,412	1	1	1,412
24-Month Follow-Up	1,365	1	1	1,365
36-Month Follow-Up	1,334	1	1	1,334
Child Care Provider Interview:				
Child Care Centers	408	1	.25	102
Center Directors	408	1	.17	69
Direct Provider	408	1	.17	69
Classroom Staff	119	1	.5	60
Family Child Care	26	1	.17	4
Providers	172	1	.5	86
Family Provider	38	1	.17	6
Assistants	.....	.....	.....	.....
Relative Care Providers:				
Relative Provider	.....	.....	.....	.....
Assistants	.....	.....	.....	.....
Child Care Provider Observation Protocol:				
Child Care Centers	408	1	2	816
Family Child Care	119	1	2	238
Providers	172	1	2	344
Relative Care Providers	.....	.....	.....	.....
Estimated Total Annual Burden Hours: 10,910				

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 25, 1997.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 97–5147 Filed 2–28–97; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

[Docket No. 97M–0052]

Surgical Dynamics, Inc., a Division of United States Surgical Corp.; Premarket Approval of Ray Threaded Fusion Cage (TFC)™ With Instrumentation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Surgical Dynamics, Inc., a division of United States Surgical Corp., Norwalk, CT, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the Ray Threaded Fusion Cage (TFC)™ with instrumentation. After reviewing the recommendation of the Orthopedic and Rehabilitation Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of October 29, 1996, of the approval of the application.

DATES: Petitions for administrative review by April 2, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Samie M. Niver, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2036.

SUPPLEMENTARY INFORMATION: On June 14, 1995, Surgical Dynamics, Inc., a division of United States Surgical Corp., Norwalk, CT 06856, submitted to CDRH an application for premarket approval of the Ray TFC™ with instrumentation. This device is an intervertebral body fusion device. It is indicated for use with autogenous bone graft in patients with degenerative disc disease (DDD) at one or two levels from L2 to S1. These DDD patients may also have up to Grade I spondylolisthesis at the involved level(s). The Ray TFC™ is to be implanted via an open posterior surgical approach. DDD is defined as back pain of discogenic origin with degeneration of the disc confirmed by history and radiographic studies. These patients should be skeletally mature and have had 6 months of nonoperative therapy.

On May 23, 1996, the Orthopedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On October 29, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 2, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: January 16, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–5076 Filed 2–28–97; 8:45 am]

BILLING CODE 4160–01–F

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 December 1996:

Name: National Advisory Council on Nurse Education and Practice

Date and Time: April 17–18, 1997, 8:30 a.m.

Place: Spring Room, Silver Spring Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910.

The meeting is open to the public with the exception of the period from approximately 8:30 a.m. until 9:30 a.m. on April 18, when grant applications will be reviewed.

Agenda: Updates on and discussion of Agency, Bureau and Division activities, and the legislative and budget status of programs; overview of the national nursing workforce; review of nurse practitioner workforce trends, implications and options for the future; review of nursing informatics workgroup recommendations for a national agenda.

Anyone wishing to obtain a roster of members, minutes of meeting or other relevant information should write or contact Ms. Elaine G. Cohen, Acting Executive Secretary, National Advisory Council on Nurse Education and Practice, Health Resources and Services Administration, Parklawn Building, Room 9–36, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5786.

Agenda Items are subject to change as priorities dictate.

Dated: February 25, 1997.

J. Henry Montes,

Director, Office of Policy and Information Coordination, HRSA.

[FR Doc. 97–5071 Filed 2–28–97; 8:45 am]

BILLING CODE 4160–15–P

Office of Inspector General

Publication of the OIG Model Compliance Plan for Clinical Laboratories

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This Federal Register notice sets forth the recently issued model compliance plan for clinical laboratories developed by the Office of Inspector General in cooperation with, and input from, several provider groups and industry representatives. Many providers and provider organizations have expressed an interest in better protecting their operations from fraud through the adoption of compliance plans. We believe the development of this initial model compliance plan for clinical laboratories will serve as a positive step towards promoting a higher level of ethical and lawful conduct throughout the health care industry.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, Office of Counsel to the Inspector General, (202) 619–0089.

SUPPLEMENTARY INFORMATION: The creation of model compliance plans has become a major initiative of the Office of Inspector General (OIG) in its effort to engage the private health care community in the fight to combat fraud and abuse. In developing these compliance plans, the OIG continues to work closely with the Health Care Financing Administration and various sectors of the health care industry.

The clinical laboratory model compliance plan represents the OIG's initial effort to develop such a plan for use by the industry. The plan considers elements of the Federal Sentencing Guidelines and policy guidance given to major independent laboratories through corporate integrity agreements. Specifically, this model plan recommends that clinical laboratories implement a number of substantive changes, such as developing better requisition forms and policies that promote the physician's right to order only medically necessary tests.

Adoption of the clinical laboratory model compliance plan set forth below, and future model compliance plans for other health care providers, will be voluntary. All future models will be similarly structured, that is, substantive policy recommendations resulting from our investigations and civil settlements combined with the elements of the Federal Sentencing Guidelines.

A reprint of the OIG model compliance plan follows.

MODEL COMPLIANCE PLAN FOR CLINICAL LABORATORIES

Introduction

The Office of Inspector General (OIG) of the Department of Health and Human Services (HHS) and other Federal agencies charged with responsibility for enforcement of Federal law have emphasized the importance of voluntarily developed and implemented compliance plans. In recent years, the OIG has been asked to supply guidance as to the elements of a model compliance plan. The purpose of this issuance, therefore, is to respond to those requests by providing some guidance to health care providers that supply clinical laboratory testing services for Medicare and Medicaid beneficiaries. Like other compliance plan models that will be issued for other areas of the health care community, this guidance is based upon the OIG's experience in fraud investigations of clinical laboratories, the Health Care Financing Administration's (HCFA) regulations and guidelines, requirements imposed on clinical laboratories in corporate integrity agreements negotiated by the OIG, and input from the clinical laboratory industry.

The government, especially the OIG, has a zero tolerance policy towards fraud and abuse and will use its extensive statutory authorities to reduce fraud in Medicare and other federally funded health care programs. Compliance plans offer the health care provider an opportunity to participate in a nationwide effort to reduce fraud and abuse in our national health care programs. The OIG believes that through a partnership with the private sector, significant reductions in fraud and abuse can be accomplished. Compliance plans offer a vehicle to achieve that goal.

This information is being supplied to assist laboratory providers in crafting and refining their own compliance plans. Elements of these guidelines can be used by all laboratories, regardless of size, to establish a compliance program. We are not suggesting that all laboratories must implement all of the compliance elements discussed in this document, nor do we suggest that a laboratory that does not incorporate all of these elements will be at a disadvantage when under the scrutiny of the OIG or other governmental agency. Rather, these guidelines represent the government's suggestions on how to correct and prevent fraudulent activity, and they can be tailored to fit the individual needs and financial realities of any clinical laboratory, be it an independent national laboratory, a hospital laboratory, or a small, regional laboratory. We expect variations reflecting the specific factual context in which each individual laboratory operates.

This model compliance plan focuses on topic areas recently addressed in corporate integrity agreements with several players in the laboratory industry. Consequently, this model laboratory compliance plan is not all inclusive as to subject matter. We recognize that laboratories are accountable for complying with far more laws, regulations and guidelines than we have tried to cover in this model, and we believe that laboratories implementing compliance plans should address any and all areas where abuse may be prevalent in the industry. For example, the OIG suggests that laboratory compliance programs should include training on topics such as, the anti-kickback act, Stark self-referral issues and CLIA requirements. Depending on the nature of its business, a laboratory also may need to add specific measures covering areas such as ESRD testing and billing, which is governed by rules and regulations and which has been subject to abuse by many companies. Ultimately, each company bears the responsibility for

determining the appropriate topic areas and measures to be included in its compliance program.

We see this model compliance plan as a dynamic document, and therefore, one that may be modified or expanded as we gather more information and knowledge about best practices and successful compliance plans. Through this document, we are attempting to provide guidance and structure to assist providers as they attempt to comply with our civil, criminal and health care laws. All providers should be aware that the development and implementation of compliance programs can raise a host of sensitive and complex legal issues. Nothing stated herein should substitute for or be used in lieu of legal advice from competent, experienced counsel. In addition, it should be noted that implementing a compliance program will not provide a laboratory with immunity from criminal, civil or administrative prosecution, but it may be a relevant factor in negotiations with the Office of Inspector General.

Compliance Plan Elements

Every laboratory adopting a compliance plan should develop a program and policies that ensure that the plan is implemented and enforced. Compliance plans that are merely cosmetic are not effective and, in the long run, may harm the laboratory. The OIG suggests that the comprehensive compliance program should include, at a minimum, the following elements: (1) Written standards of conduct for employees; (2) the development and distribution of written policies that promote the laboratory's commitment to compliance and that address specific areas of potential fraud, such as billing, marketing and claims processing; (3) the designation of a chief compliance officer or other appropriate high-level corporate structure or official who is charged with the responsibility of operating the compliance program; (4) the development and offering of education and training programs to all employees; (5) the use of audits and/or other evaluation techniques to monitor compliance and ensure a reduction in identified problem areas; (6) the development of a code of improper/illegal activities and the use of disciplinary action against employees who have violated internal compliance policies or applicable laws or who have engaged in wrongdoing; (7) the investigation and remediation of identified systemic and personnel problems; (8) the promotion of and adherence to compliance as an element in evaluating supervisors and managers; (9) the development of policies addressing the non-employment or retention of sanctioned individuals; (10) the maintenance of a hotline to receive complaints and the adoption of procedures to protect the anonymity of complainants; and (11) the adoption of requirements applicable to record creation and retention. These compliance program elements are spelled out in greater detail below.

A. Written Procedures and Policies

Laboratory compliance plans should require the development and distribution of written compliance policies. These policies should be developed under the supervision and direction of the chief compliance officer or the equivalent and should, at a minimum, be provided to all individuals who are affected by the specific policy at issue. One convenient method of achieving this goal and maintaining policies is to create a three-ring compliance policy notebook. This format permits the filing of new and amended or revised compliance policies and ensures that affected individuals have easy access to the laboratory's written policies.

1. Standards of Conduct

Laboratories should develop standards of conduct for all employees which clearly delineate the policies of the laboratory with regard to fraud, waste and abuse and adherence to all guidelines and regulations governing federally funded health care programs. These standards should be made available to and understandable by all employees (e.g., translated into other languages, if necessary) and regularly updated as the policies and regulations of these programs are modified.

2. Medical Necessity

Laboratory compliance plans should ensure that claims are only submitted to federally funded health care programs for services that the laboratory has reason to believe are medically necessary. Upon request, a laboratory should be able to provide documentation, such as requisition forms containing diagnosis codes, supporting the medical necessity of a service the laboratory has provided and billed to a Federal program. We recognize that laboratories do not and cannot treat patients or make medical necessity determinations. However, there are steps that such facilities can and should take to help maximize the likelihood that they only bill federally funded health care programs for tests that meet the reimbursement rules for those programs.

As a preliminary matter, the OIG recognizes that physicians must be able to order any tests, including screening tests, that they believe are appropriate for the treatment of their patients. However, we believe that physicians must be made aware that Medicare will only pay for tests that meet the Medicare definition of ''medical necessity'' and that Medicare may deny payment for a test that the physician believes is appropriate, such as a screening test, but which does not meet the Medicare definition of medical necessity. The laboratories themselves are in a unique position to deliver this information to their physician clients.

In our opinion, laboratories can and should advise physicians that when they instruct the laboratory to seek Medicare reimbursement for tests ordered, they should only order those tests that they believe are medically necessary for the diagnosis and treatment of their patients. We recommend that laboratories implement the following steps through their compliance plans or some other appropriate mechanism to help ensure, as best they can, that the claims they submit to federally funded health care programs meet the appropriate program requirements:

a. *Requisition Design:* Each laboratory (or laboratory company) should standardize its noncustomized test offerings and use common, uniform requisition forms that emphasize physician choice and encourage doctors to order, to the extent possible, only those tests that they believe are appropriate for each patient. In addition, the requisition forms should require physicians to document the need for each test ordered by inserting a diagnosis code for each such test. With respect to chemistry tests, requisition forms should be designed to require physicians to order such tests individually (i.e., separately) unless: (1) the test is specifically part of a CPT or HCPCS defined automated multichannel test series (e.g., 80002–80019, G0058–G0060 which will be amended to G0095–G0098); (2) the test is part of a CPT-defined ''clinically relevant test grouping'' such as an organ or disease panel or profile (e.g., 80050–80099); or (3) the test is part of a profile that has been customized at the request of the physician. In addition, a printed statement should appear on every requisition form reiterating that when ordering tests for which Medicare reimbursement will be sought, physicians (or other individuals authorized by law to order tests) should only order tests that are medically necessary for the diagnosis or treatment

of a patient, rather than for screening purposes.

b. *Notices to Physicians:* All laboratories should provide all of their clients with annual written notices that set forth: (1) The Medicare medical necessity policy; (2) the individual components of every laboratory profile that includes a multichannel chemistry test or other automated multiple test result (e.g., 80002–80019, G0058–G0060); (3) the CPT or HCPCS codes that the laboratory uses to bill the Medicare program for each such profile; (4) the Medicare National Limitation Amount for each CPT or HCPCS code used to bill Medicare for each profile and its components; and (5) a description of how the laboratory will bill Medicare for each profile. If the laboratory engages a physician clinical consultant, the notice also should provide the phone number of the physician clinical consultant and advise of his or her availability to discuss appropriate testing and test ordering.

In addition to the general notices above, laboratories offering clients the opportunity to create customized profiles should provide all clients who request customized profiles with annual notices that: (1) Explain the Medicare reimbursement paid for each component of each such profile; (2) encourage physicians who are ordering tests for which Medicare reimbursement will be sought to order only tests that are medically necessary for each patient; (3) inform physicians that using a customized profile may result in the ordering of tests for which Medicare may deny payment; and (4) inform physicians that the OIG takes the position that a physician who orders medically unnecessary tests for which Medicare reimbursement is claimed may be subject to civil penalties. Once again, if the laboratory engages a physician clinical consultant, the notice also should provide the phone number of the physician clinical consultant and advise of his or her availability to discuss appropriate testing and test ordering.

c. *Physician Acknowledgments:* Laboratories that agree to customize profiles in response to physician requests should require such requesting physicians to sign a Physician Acknowledgment. By signing the Physician Acknowledgment, the physician would affirm that: (1) The physician has requested the creation of a custom profile that includes the tests listed on the acknowledgment; (2) the physician has been informed of the reimbursement amount that Medicare (and where appropriate, Medicaid) will pay for each test included in each customized profile; (3) the physician understands that when ordering tests for which Medicare reimbursement will be sought, the physician should only order those tests which the physician believes are medically necessary for each patient; (4) the physician knows that using a customized profile may result in the ordering of tests for which Medicare or other federally funded health care programs may deny payment; (5) the physician will order individual tests or a less inclusive profile when not all of the tests included in the customized profile are medically necessary for an individual patient; (6) the physician has been informed that the OIG takes the position that a physician who orders medically unnecessary tests may be subject to civil penalties; and (7) if appropriate, the physician is aware that the laboratory makes available the services of a clinical consultant to assist the physician in ensuring that appropriate tests are ordered.

d. *Test Utilization Monitoring:* The OIG believes that laboratories can and should take the steps described above to help ensure that physicians will make a determination and document the medical necessity of tests billed to the Medicare program. We also believe that there are steps laboratories can take to determine whether physicians are being encouraged to order medically unnecessary tests. The OIG believes that a laboratory which has reason to believe that its clients are ordering medically unnecessary tests has a duty to determine why that behavior has occurred. More importantly, if the laboratory discovers that it has in some way caused that behavior, we believe the laboratory has the duty to correct the cause.

Recognizing that there may be other ways to do so, the OIG suggests the following methodology for monitoring test utilization and detecting ordering abuses. We suggest that laboratories retain and analyze test utilization data from year to year, by CPT or HCPCS code, for the top 30 tests they perform for Medicare beneficiaries. Laboratories could do this by keeping track of the number of tests performed by CPT or HCPCS code or of the number of claims submitted to Medicare for each test. The laboratories would then compute the percentage growth in claims submitted for each of the top 30 tests from one year to the next. We believe that if a test's utilization grew more than 10 percent, the laboratory should undertake a reasonable inquiry to ascertain the cause of such growth. If the laboratory determines that the increase in test utilization occurred for a benign reason, such as the acquisition of a new laboratory facility, then the laboratory need not take any action. However, if the laboratory determines that the increase in utilization was caused by the use of basic chemistry profiles or some other action on the part of the facility, the laboratory should take any steps that it deems reasonably necessary to address the issue and to insure that fraud is not being committed.

3. Billing

Laboratory compliance policies should ensure that all claims for testing services submitted to Medicare or other federally funded health care programs are accurate and correctly identify the services ordered by the physician (or other individual authorized by law to order tests) and performed by the laboratory.

a. *Selection of CPT or HCPCS Codes:* Laboratory compliance policies should ensure that the CPT or HCPCS code that is used to bill Medicare or Medicaid accurately describes the service that was ordered and performed. Laboratories should choose only the code that most accurately describes the ordered and performed test. To ensure code accuracy, laboratories may wish to include a requirement that the codes be reviewed by individuals with technical expertise in laboratory testing before such codes are approved for claims submissions. The OIG views intentional up coding (i.e., the selection of a code to maximize reimbursement when such code is not the most appropriate descriptor of the service) as raising false claims issues. If a laboratory continues to have questions about code selection, even after review by technical experts, the facility should direct its questions to its Medicare carrier or intermediary.

b. *Selection of ICD–9CM Codes:* At the direction of the Health Care Financing Administration (HCFA), Medicare carriers and intermediaries have established lists of tests that must be accompanied by diagnostic information to establish medical necessity before Medicare coverage will be assumed (''limited coverage policy''). Such diagnostic information may be submitted either through the use of ICD–9CM codes or a narrative description. Laboratory compliance policies should direct that laboratories will only submit diagnostic information obtained from the test ordering physician. Laboratories should not: (1) Use diagnostic information provided by the physician from earlier dates of service (other than standing orders, as discussed below at paragraph (4)); (2) use ''cheat sheets'' that provide diagnostic information that has triggered reimbursement in the past; (3) use

computer programs that automatically insert diagnosis codes without receipt of diagnostic information from the physician; or (4) make up diagnostic information for claims submission purposes. Laboratories should: (1) Contact the ordering physician to obtain diagnostic information in the event that the physician has failed to provide such information; (2) provide services and diagnostic information supplied pursuant to a standing order executed in connection with an extended course of treatment; and (3) accurately translate narrative diagnoses obtained from the physician to ICD–9CM codes. Where diagnostic information is obtained from a physician or the physician's staff after receipt of the specimen and the requisition form, documentation of the receipt of such information should be created and maintained.

c. *Tests Covered by Claims for Reimbursement:* Laboratory compliance policies should ensure that the laboratory only submits claims for tests that were both ordered and performed. If a laboratory receives a specimen without a test order or with an ambiguous test order that is subject to multiple interpretations, the facility should check with the doctor to determine what tests he or she wanted performed before submitting a claim for reimbursement to Medicare. Thus, if the laboratory performed a test that the doctor did not order, the laboratory will not erroneously bill for that test. Similarly, if a laboratory cannot perform an ordered test due to, for example, a laboratory accident or insufficient quantities of specimen, the laboratory should not submit a claim to Medicare. The OIG considers the submission of a claim for tests that were either not ordered or were not performed to be a potential false claim.

d. *Billing of Automated Multichannel Chemistry Tests:* Laboratory compliance policies should ensure that the laboratory bills Medicare appropriately for automated multichannel chemistry tests. All tests appearing on HCFA's most recent list of automated multichannel chemistry tests should be billed using the appropriate CPT (80002–80019) or HCPCS (G0058–G0060) codes. Tests appearing on this list should not be billed individually unless only one such analyte test is ordered and performed.

e. *Billing of Calculations:* Since the OIG views compliance programs as a check and balance system to reduce error and improve quality, laboratory compliance policies should ensure that the laboratory does not bill for both calculations (e.g., calculated LDLs, T7s, indices, to name only a few) and the tests that are performed to derive such calculations. In many situations, physicians are not offered a choice about whether to receive such calculations, nor are they aware of the practice of some laboratories to bill Medicare for such calculations in addition to the underlying tests, as the physicians themselves are only billed for the underlying tests. At the current time, the OIG views billing for both the calculations and the underlying tests to be double billing which may subject a laboratory to criminal or civil penalties.

4. Reliance on Standing Orders

Although standing orders are not prohibited in connection with an extended course of treatment, too often in the past they have led to fraudulent and abusive practices. Laboratories must be vigilant about this and take appropriate steps to prevent abuse. Thus, while laboratory compliance plans can permit the use of standing orders executed in connection with an extended course of treatment, the compliance plan should require the laboratory to monitor existing standing orders to ensure their continuing validity. We suggest that, consistent with State law requirements, a laboratory should contact all nursing homes from which the laboratory has received such standing orders and request that they confirm in writing the validity of all current standing orders. In addition, in accordance with State law, laboratories should verify standing orders relied upon at draw stations with the physician, physician's office staff, or such other persons authorized by law to order tests who have provided the standing orders to the laboratory. With respect to End Stage Renal Disease (ESRD) patients, at least once annually, laboratories should contact each ESRD facility or unit to request confirmation in writing of the continued validity of all existing standing orders.

5. Compliance with Applicable HHS OIG Fraud Alerts

The HHS OIG periodically issues fraud alerts setting forth activities believed to raise legal and enforcement issues. Laboratory compliance plans should require that any and all fraud alerts issued by the OIG are carefully considered by the legal staff, chief compliance officer, or other appropriate personnel. Moreover, the compliance plans should require that a laboratory cease and correct any conduct criticized in such a fraud alert, if applicable to laboratories, and take reasonable action to prevent such conduct from recurring in the future. If appropriate, a laboratory should take the steps described in Section G regarding investigations, reporting and correction of identified problems.

6. Marketing

Laboratory compliance plans should require honest, straightforward, fully informative and non-deceptive marketing. It is in the best interests of patients, physicians, laboratories and Medicare alike that physicians fully understand the services offered by the laboratory, the services that will be provided when tests are ordered, and the financial consequences for Medicare, as well as other payers, for the tests ordered. Accordingly, laboratories that market their services should ensure that their marketing information is clear, correct, non-deceptive and fully informative.

7. Prices Charged Physicians for Profiles

Laboratories are paid for their services by a variety of payers in addition to Medicare and other federally funded health care programs. Such payers often include health insurers, other health care providers, and physicians. The prices that laboratories charge, particularly to physicians and especially for profiles, raise compliance issues that should be addressed in a laboratory's written compliance policies. Such compliance policies should ensure that as tests are included in or added to profiles, the price for the enhanced profile increases and the overall price for the profile is never below cost. Laboratories that do not increase the price to a doctor for an enhanced profile or that charge below cost for an enhanced profile and then bill Medicare or another federally funded health care program the full third-party price for the profile components will be risking false claims and kickback enforcement actions.

8. Retention of Records

Compliance programs should ensure that all records required either by Federal or State law or by the compliance plan are created and maintained. One of the best ways to confirm that a compliance plan is effective is through reports that reflect results. The creation of such documents will reach this goal, but it may also raise a variety of legal issues, such as patient privacy and confidentiality. These issues are best discussed with legal counsel.

9. Compliance As An Element of a Performance Plan

To ensure that corporate integrity rises to the level of importance required of laboratories participating in Medicare

or other federally funded health care programs, compliance programs should require that the promotion of and adherence to compliance be an element in evaluating the performance of managers and supervisors. They, along with other employees, should be periodically trained in new compliance policies and procedures. In addition, all managers and supervisors involved in the sale, marketing, or billing of laboratory services, and those who oversee phlebotomists should: (1) Discuss with all supervised employees the compliance policies and legal requirements applicable to their function; (2) inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment; and (3) disclose to all supervised personnel that the laboratory will take disciplinary action up to and including termination for violation of these policies or requirements. In addition to making performance of these duties an element in evaluations, the compliance officer or laboratory management may also choose to include in the laboratory's compliance plan a policy that managers and supervisors may be sanctioned for failure to adequately instruct their subordinates or for failing to detect non-compliance with applicable policies and legal requirements, where reasonable diligence on the part of the manager or supervisor would have led to the discovery of any problems or violations and given the laboratory the opportunity to correct them earlier.

B. Designation of a Compliance Officer (or Equivalent)

Every laboratory compliance plan should require the designation of a chief compliance officer or an equivalent (e.g., committee). This individual should be responsible for developing compliance policies and standards, overseeing and monitoring the company's compliance activities, and achieving and maintaining compliance. The individual should be delegated sufficient authority by the Board of Directors (or other governing body) to undertake and comply with these responsibilities and should have open access to senior management and the governing body. Further, the chief compliance officer should develop and distribute to appropriate individuals all written compliance policies and procedures. These policies and procedures should be readily understandable by all employees (e.g., translated into other languages, if necessary) and at a minimum, should address the issues discussed herein.

C. Education and Training

Laboratory compliance programs should require compliance and ethics training for all employees, especially personnel involved in billing, sales, marketing and specimen collection and/or test ordering. Such training should emphasize the company's commitment to compliance with all laws, regulations and guidelines of Federal and State programs. Training should be conducted at least annually and repeated at regularly scheduled times, using a variety of teaching methods and where appropriate, languages to ensure that all employees fully comprehend the implications of failing to comply with the laboratory's compliance plan and all applicable health care program requirements. The training and education program should cover the laboratory's compliance policies and should reinforce the fact that strict compliance with the law and laboratory policies is a condition of employment. Employees should be informed that failure to comply may result in disciplinary action, including termination. Training of sales and marketing personnel should highlight the prohibition against offering remuneration in return for referrals, and the fact that the laboratory will take appropriate disciplinary action up to and including termination for violations of the laws or failure to report a potential violation by another employee, supervisor or outside contractor or provider.

In addition to compliance and ethics training, we believe that laboratory compliance plans also should address the need for periodic continuing education, which may be required by law or regulation for certain laboratory personnel, such as phlebotomists and laboratory technicians. Continuing education programs of this type will help ensure a knowledgeable and more productive staff.

Laboratory compliance programs should leave no doubt in the minds of employees and others who are associated with the provider about the company's commitment to compliance with all laws, regulations and guidelines governing federally funded health care programs. Compliance should be one of the company's most important priorities. In addition to the compliance and ethics training and continuing education programs, a simple way to re-emphasize this message is to post in common work areas and other prominent places accessible to all employees a notice clearly reminding employees of the laboratory's commitment to compliance with all laws and regulations.

D. Communication

1. Access to the Compliance Officer

An open line of communication between the compliance officer and his or her staff is critical to the successful implementation and operation of a compliance program. If fraud and abuse is going to be reduced, there should be an open door, complete anonymity, non-retribution policy available to all employees to encourage communication. Working with or through the legal department can clarify the gray areas of interpretation of Medicare and Medicaid guidelines and regulations, but in all cases, the laboratory should encourage employees not to guess, but to ask if there is confusion or a question. Where appropriate, awards for reporting violations should be available.

2. Hotline

There are many vehicles for developing a line of communication between the employee and the compliance office. Hotlines, e-mails, and written memoranda are examples of just a few. We suggest that laboratories make available to all employees a hotline telephone number which can be used to anonymously report suspected misconduct. Laboratories using a hotline should post in common work areas notices describing the hotline and providing the telephone number. Matters reported through the hotline that suggest violations of compliance policies or legal requirements should be investigated immediately to determine their veracity.

E. Auditing and Monitoring

The OIG will be critical of compliance plans and programs that exist on paper but are not earnestly implemented or enforced. In addition to education and training programs, policies, and notices, a successful compliance program should require the thorough monitoring of its implementation and regular reporting to senior executives and members of the Board of Directors. Although many monitoring techniques are available, an effective tool to ensure enforcement is the performance of regular, periodic audits of the laboratory's operations, with particular attention paid to billing, sales, marketing, notices and disclosures to physicians, requisition forms, pricing, and activities of phlebotomists and others involved in the ordering of laboratory services. Such audits should be designed and implemented to ensure compliance with the laboratory's

compliance policies, the laboratory's compliance plan, and all applicable Federal and State laws. In addition, auditing should address issues related to contracts, competitive practices, marketing materials, CPT/HCPCS coding and billing, test information, reporting and record keeping.

Quality assurance and zero tolerance of fraud and abuse should be the goal of the compliance division, and we believe that auditing is a good tool to use to reach that goal. Compliance audits should be conducted in accordance with pre-established comprehensive audit procedures and should include, at a minimum: (1) On-site visits; (2) interviews with personnel involved in management, operations, billing, sales, marketing, and other related activities; (3) reviews of written materials and documentation used by the laboratory; and (4) trend analysis studies. Formal audit reports should be prepared and submitted to the chief compliance officer and the Board of Directors or other governing body to ensure that laboratory management is aware of the results and can take whatever steps necessary to correct past problems and deter them from recurring. We suggest that the audit or other analytical reports specifically identify areas where corrective actions are needed. In certain cases, subsequent audits or studies would be advisable to ensure that the recommended corrective actions have been implemented and are successful.

F. Disciplinary Actions

A viable compliance program must include the initiation of corrective and/or disciplinary action against individuals who have failed to comply with the laboratory's compliance policies and/or Federal or State laws or who have otherwise engaged in wrongdoing that has the potential of impairing the laboratory's status as a reliable, honest, trustworthy provider. The compliance program should include a written policy statement setting forth the degrees of disciplinary actions that can be imposed upon employees for failing to comply with the company's code of conduct, company policies, and the law. Employees must be advised and convinced that disciplinary action will be taken, and punishments enforced, for a discipline policy to have the required deterrent effect.

G. Corrective Action

1. Investigating, Reporting and Correcting Identified Problems

a. *Investigation:* Violations of a laboratory's compliance program, failures to comply with Federal and/or State law, and other types of misconduct threaten a laboratory's status as a reliable, honest and trustworthy provider capable of participating in federally funded health care programs. Consequently, laboratory compliance programs should require that when the chief compliance officer or others involved in management of a laboratory learn of potential violations or misconduct, they promptly investigate the matter to determine whether a material violation has in fact occurred, so that if a violation has occurred, management can take steps to rectify it, report it to the government if necessary, and make any appropriate payments to the government. Depending on the nature of the allegations, the investigation into allegations of wrongdoing or misconduct will probably include interviews and review of relevant documents, such as submitted claims, test requisition forms, and laboratory test reports. Some laboratories may wish to engage outside auditors or counsel to assist them with the investigation.

If an investigation of an alleged violation is undertaken and the compliance officer believes the integrity of the investigation may be at stake because of the presence of employees under investigation, the employee(s) allegedly involved in the misconduct probably should be removed from his/her current work activity until the investigation is completed. In addition, the laboratory should take steps to prevent the destruction of documents or other evidence relevant to the investigation. Once an investigation is completed, if disciplinary action is warranted, it should be immediate and imposed in accordance with the company's written standards of disciplinary action.

b. *Reporting:* If management receives credible evidence of misconduct from any source and, after appropriate investigative inquiry, has reasonable grounds to believe that the misconduct either: (a) Violates criminal law, or (b) constitutes a material violation of the civil law, rules and regulations governing federally funded health care programs, then the laboratory should report the existence of the misconduct to the OIG as soon as possible. The OIG recommends that the laboratory give notice to the OIG of this type of misconduct within sixty (60) days after receipt of the credible evidence of misconduct. Such prompt reporting will demonstrate the laboratory's good faith and willingness to work with the government to correct and remedy the problem.

When reporting misconduct to the government, a laboratory should give the OIG any evidence relating to the misconduct that the laboratory has, including evidence disclosed to the laboratory from another source. The laboratory then should continue to investigate the reported violation, and once finished, should notify DOJ and the OIG of the outcome of the investigation, including a description of the effect of the misconduct on the operation of federally funded health care programs or their beneficiaries. If the investigation ultimately reveals that criminal activity may have occurred, the appropriate State or Federal authorities should be notified immediately. As discussed below, the laboratory should also take appropriate corrective action, including prompt restitution of any damages to the government and the imposition of appropriate disciplinary action.

c. *Corrective Action:* If the investigation reveals that misconduct did occur, corrective actions should be immediately initiated. For instance, if the investigation reveals that the laboratory has received overpayments, the laboratory should make prompt restitution of such sums to the appropriate federally funded health care program. Failure to repay the overpayment immediately could be interpreted as an intentional attempt to hide the overpayment from the government. For that reason, laboratory compliance programs and written policies and procedures should emphasize that monies to which the laboratory had no legal entitlement in the first place may not be legally retained and must be returned immediately. In addition to making prompt restitution and taking corrective action, the laboratory should take whatever disciplinary action is necessary to cure the problems identified by the investigation and prevent it from happening again.

2. Non-Employment or Retention of Sanctioned Individuals

Compliance programs should prohibit the employment of individuals who have been convicted of a criminal offense related to health care or who are listed by a Federal agency as debarred, excluded or otherwise ineligible for participation in federally funded health care programs. In addition, until resolution of such criminal charges or proposed debarment or exclusion, individuals who are charged with criminal offenses related to health care or proposed for exclusion or debarment should be removed from direct responsibility for or involvement in any

federally funded health care program. If resolution results in conviction, debarment or exclusion of the individual, the laboratory should terminate its employment of that individual or company.

Conclusion

These basic recommended elements coupled with other published regulations and guidelines are the foundation for a comprehensive compliance plan for clinical laboratories. On advice from in-house counsel and senior management, clinical laboratories should add to or modify these elements to better reflect the corporate structure of the laboratory, its mission, and its employee composition. The OIG believes that by implementing an effective compliance plan, a laboratory will achieve better quality control of claims submission and reduce the risk of future criminal and civil liabilities.

Dated: February 24, 1997.

June Gibbs Brown,

Inspector General.

[FR Doc. 97–5192 Filed 2–28–97; 8:45 am]

BILLING CODE 4150–04–P

National Institutes of Health

Notice of Meeting of the Advisory Committee on Blood Safety and Availability

Pursuant to Pub. L 92–463, notice is hereby given of the meeting of the Advisory Committee on Blood Safety and Availability, Department of Health and Human Services, March 20–21, 1997. This meeting will be held at the National Institutes of Health, Warren G. Magnuson Clinical Center, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:30 a.m. on March 20 to adjournment on March 21. On March 20, the Committee will discuss hepatitis C virus (HCV) infection, its occurrence following blood transfusion, other epidemiology of HCV infection and appropriate ways of approaching the public health aspects of this infection. On March 21, the Committee will address multiple aspects of the theoretical possibility that Creutzfeldt-Jakob disease (CJD) can be transmitted by blood transfusion. For each topic, a time will be set aside for the public to comment. Prospective speakers should notify the Executive Secretary for this meeting of their wish to present and should plan for no more than 5 minutes of comments.

Contact: Paul R. McCurdy, M.D. Acting Executive Secretary, Advisory Committee on Blood Safety and Availability, Director, Blood Resources Program, DBDR–MSC–7950, NHLBI, NIH, Bethesda, Maryland 20892–7950. Phone: 301/435–0065; Fax 301/480–1060; E–Mail: paul—mccurdy@nih.gov.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dated: February 25, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–5164 Filed 2–28–97; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Initial Review Group:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: Subcommittee H—Clinical Trials Subcommittee.

Date: April 8–9, 1997.

Time: 8 a.m.

Place: Buffalo Marriott, 1340 Millersport Highway, Amherst, New York 14221.

Contact Person: John L. Meyer, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, 6130 Executive Blvd. Room 611C, Bethesda, Md 20892, Telephone: 301–496–7721.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control)

Dated: February 25, 1997.

LaVerne Y. Springfield,

Committee Management Officer, NIH.

[FR Doc. 97–5166 Filed 2–28–97; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel (SEP) meetings:

Name of SEP: NIAMS Supplemental (Teleconference).

Date: March 18, 1997.

Time: 11:00 a.m.–12:30 p.m.

Place: Natcher Building, 45 Center Drive, Rm 5AS–25U.

Contact Person: Aftab A. Ansari, Ph.D., Natcher Building, 45 Center Drive, Rm 5AS–25U, Bethesda, Maryland 20892–6500, Telephone: 301–594–4952.

Name of SEP: NIAMS Program Project.

Date: April 1, 1997.

Time: 8:30 a.m.–adjournment.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

Contact Person: Aftab A. Ansari, Ph.D., Natcher Building, 45 Center Drive, Rm 5AS–25U, Bethesda, Maryland 20892–6500, Telephone: 301–594–4952.

Purpose/Agenda: To evaluate and review research grant applications.

These meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussion of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.846, Project Grants in Arthritis, Musculoskeletal and Skin Diseases Research], National Institutes of Health, HHS)

Dated: February 25, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–5163 Filed 2–28–97; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 17, 1997.

Time: 11 a.m.

Place: Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Shirley H. Maltz, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–3936.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 18, 1997.

Time: 3 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Emeline M. Otey, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4868.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 25, 1997.

LeVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–5165 Filed 2–28–97; 8:45 am]

BILLING CODE 4140–01–M

Chairpersons, Board of Scientific Counselors for Institutes, Centers and Divisions at the National Institutes of Health, Notice of Meeting

Notice is hereby given of a meeting scheduled by the Deputy Director for Intramural Research at the National Institutes of Health with the Chairpersons of the Boards of Scientific Counselors. The Boards of Scientific Counselors are an advisory group to the Scientific Directors of the Intramural Research Programs at the NIH. This meeting will take place 10 a.m. to 4 p.m. on June 23, 1997, at the NIH, 9000 Rockville Pike, Bethesda, MD, Building 1, Room 151. The meeting will include a discussion of policies and procedures that apply to the regular review of NIH intramural scientists and their work, with special emphasis on clinical research.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Audrey Boyle at the Office of Intramural Research, NIH, Building 1, Room 114, Telephone (301) 496–1921 or Fax (301) 402–4273 in advance of the meeting.

Dated: February 14, 1997.

Ruth Kirschstein,

Deputy Director, NIH.

[FR Doc. 97–5167 Filed 2–28–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4123–N–03]

Public Housing/Section 8 Moving to Work Demonstration Program; Extension of Application Deadline

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: On December 18, 1996, HUD published a notice inviting public housing agencies and Indian housing authorities to submit applications for the Public and Indian Housing/Section 8 Moving to Work demonstration program (''MTW''). The December 18, 1996 notice set an application submission deadline for MTW of March 18, 1997.

This notice extends the MTW application submission deadline from March 18, 1997 to May 19, 1997. The deadline is being extended to give public housing agencies and Indian housing authorities the time necessary to adequately prepare their applications, and, in particular, to allow sufficient time for a thorough and constructive planning process, including a public hearing. This notice also provides clarification on several provisions of the December 18, 1996 notice.

Except for the extension of the application submission deadline made by this notice, and subject to the clarifications made by this notice, all of the requirements of the December 18, 1996 notice remain in effect.

EFFECTIVE DATE: March 3, 1997.

FOR FURTHER INFORMATION CONTACT: Stephen I. Holmquist, Policy Development Advisor, or Beth M. Cooper, Program Analyst, Office of Public and Indian Housing, Room 4116, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–0713. For hearing or speech impaired persons, this number may be accessed via TTY by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

(1) General

The Public and Indian Housing/Section 8 Moving to Work demonstration program (''MTW'') offers public housing agencies and Indian housing authorities (HAs) the opportunity to design and test innovative housing and self-sufficiency strategies for low-income families by permitting HAs to combine funds from several HUD programs into a single pool and by exempting HAs from existing public and Indian housing and Section 8 certificate and voucher program rules, as approved by HUD.

HUD is authorized to select up to 30 HAs that administer the public and Indian housing and Section 8 programs to participate in MTW, which was authorized by section 204 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104–134, 110 Stat. 1321). The statutory purposes of MTW are to give HAs the flexibility to design and test various approaches for providing and administering housing assistance that reduce cost and achieve greater cost effectiveness; provide work incentives to promote resident self-sufficiency; and increase housing choices for low-income families.

To achieve these goals, each selected HA will have considerable flexibility in determining how to use Federal funds, as long as the HA meets specified criteria. Furthermore, the selected HAs will be permitted to combine funds from the public and Indian housing operating and modernization programs, and from the Section 8 tenant-based rental assistance program, for uses which meet the purposes of the demonstration. Funds used in the demonstration (whether combined or not) are generally not subject to statutory and regulatory requirements of the public and Indian housing and Section 8 programs.

On December 18, 1996 (61 FR 66855), HUD published a notice inviting applications for MTW. That notice described the application submission requirements and the criteria to be used by HUD in evaluating applications. It also established an application submission deadline of March 18, 1997.

(2) Clarifications

Several provisions of the December 18, 1996 notice require clarification, as follows:

(a) For HA's that are not subject to PHMAP because they only administer the Section 8 program, HUD will determine the HA's score for evaluation criterion 1, ''HA Management Performance'', using objective criteria that assess HA management capability based on relative performance in meeting the requirements of the Section 8 program;

(b) The December 18, 1996 notice advised HAs to assume a 3-year term for their MTW plans. HUD expects that the actual term of each HA's demonstration will be stated in the MTW Agreement negotiated between HUD and the HA following the HA's selection for MTW. No MTW proposal will be implemented

until the MTW Agreement is executed. HUD invites HAs to state and justify, in their proposed MTW schedules, the minimum period of time which they believe is necessary to implement their MTW plans;

(c) The December 18, 1996 notice recognized that HA plans might not be finalized by the application deadline, and requested that HAs identify any outstanding issues and the process and schedule for resolving those issues. In other words, HUD does not expect all MTW plans to be ready for implementation at the time HAs are selected for MTW. Rather, at this stage of the demonstration, HUD expects an HA's MTW plan to be conceptually and analytically sound in that it identifies local needs and explains how the HA believes its assets and resources can be deployed to most effectively and efficiently address those needs. In scoring applications under evaluation criterion 3, ''Quality and Feasibility of MTW Plan'', HUD will reward plans that demonstrate an HA's capacity to operate in a deregulated program environment, where the HA has broad discretion to use Federal funds flexibly and creatively based on its understanding of local conditions. The level of detail provided in an HA's plan will help HUD to assess the HA's capacity in that regard. At the same time, HUD encourages HA's to be creative and to make full use of the broad local discretion that this demonstration permits. Accordingly, HAs should provide as much detail as they can at this point. HUD seeks a wide variety of approaches in making selections for MTW, and does not expect plans that are highly innovative (in that they depart significantly from current program rules) to have as much detail as plans that are less innovative. However, as the December 18, 1996 notice provided, where a plan lacks detail, HUD does expect an HA to describe the process and schedule by which the HA will resolve the outstanding issues.

(3) Extension of Submission Deadline

For several reasons, HUD has found that it is in the best interests of the demonstration to allow HAs additional time to prepare their applications. Because the notice appeared in the Federal Register during the winter holiday season, some HAs were not aware that it had been published until several weeks after the application period had already begun to run. Further, HUD has concluded that additional time would be helpful so that HAs can give proper notice of and hold the required public hearing, and to otherwise conduct a thorough and constructive planning process in their communities. Most importantly, HUD recognizes that the degree of programmatic innovation which MTW allows, and which HUD hopes to encourage through this demonstration program, may require a level of deliberation and analysis that the original 90-day application period does not permit. Extending the deadline will give HAs more time to conduct this process, resulting in higher-quality applications and a more valuable demonstration program.

Dated: February 25, 1997.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 97–5298 Filed 2–27–97; 2:41 pm]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Preparation of a Habitat Conservation Plan and Environmental Impact Statement on a Permit To Incidentally Take Threatened and Endangered Species in Association With the Clark County Multiple Species Conservation Plan in Clark County, NV

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent and public scoping meeting.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has been notified by Clark County (County), Nevada, that the County, and certain cities within the County, intend to prepare a Clark County Multiple Species Conservation Plan (Multi-Species Conservation Plan) to conserve species and their habitats throughout the County. The Multi-Species Conservation Plan would be prepared pursuant to the Endangered Species Act of 1973, as amended (Act). The proposed Multi-Species Conservation Plan would identify those actions necessary to maintain the viability of natural habitats in the County for approximately 225 species residing in those habitats, including five species listed as endangered (Peregrine Falcon, *Falco peregrinus*; Southwestern Willow Flycatcher, *Empidonax trailli extimus*; Moapa Dace, *Moapa coriacea*; Woundfin, *Plagopterus argentissimus*; Virgin River Chub, *Gila seminuda* ssp.). The Multi-Species Conservation Plan would treat all of the approximately 75 proposed covered species as listed and all covered species would be subject to the standards set forth in section 10(a)(1)(B) of the Act, and 50 CFR 17.22 and 17.32. In addressing the habitat needs of the covered species the Multi-Species Conservation Plan would benefit other species utilizing the same habitats. In addition, the Multi-Species Conservation Plan would establish a process to assure the maintenance of the viability of natural habitats for approximately 150 other species and to eventually extend coverage to those species. It would function as a multiple species conservation plan that could establish the basis for maintaining the viability of the remaining natural ecosystems throughout the County.

If the Multi-Species Conservation Plan is approved by the Service, the Service would authorize incidental take of the listed species covered by the plan through the issuance of a section 10(a)(1)(B) permit. The Multi-Species Conservation Plan, coupled with an Implementation Agreement which includes prelisting provisions, would form the basis for an incidental take permit for additional species if these species become listed.

DATES: A public scoping meeting will be held from 7 to 9 p.m. on March 11, 1997, in the Cafeteria at the Clark County Government Center, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155–8270, to identify potential issues and alternatives for the Clark County Multiple Species Conservation Plan and Environmental Impact Statement.

Interested persons are encouraged to attend the public meeting to identify and discuss issues and alternatives that should be addressed in the Environmental Impact Statement. The proposed agenda for the public scoping meeting includes a summary of the proposed action, status of and threats to subject species, tentative issues, concerns, opportunities, and alternatives. Identified issues of concern include effects of plan implementation on the fish and wildlife resources of Clark County, land use and activities on public and private lands, growth, and social and economic health of the County.

Persons attending the Scoping Meeting will have an opportunity to present their comments and suggestions regarding the scope of issues to be addressed in the Environmental Impact Statement. Submittal of independent written comments is encouraged.

Written comments related to the scope and content of the Multi-Species Conservation Plan and Environmental Impact Statement should be received by the Service at the address below by April 2, 1997.

ADDRESSES: Information, comments, or questions related to the preparation of the Multi-Species Conservation Plan and Environmental Impact Statement should be submitted to U.S. Fish and Wildlife Service, State Supervisor, 4600 Kietzke Lane, Suite 125C, Reno Nevada 89502–5055.

FOR FURTHER INFORMATION CONTACT: Persons wishing to review background material may obtain it by contacting the Clark County Desert Conservation Plan Administrator, Clark County Government Center, 500 S. Grand Central Parkway, 6th Floor, P.O. Box 558270, Las Vegas, Nevada 89155–8270. Documents also will be available for public inspection by appointment during normal business hours (8 a.m. to 5 p.m. Monday–Friday) at the above address or by telephone (702–455–3536).

SUPPLEMENTARY INFORMATION: On July 11, 1995, the Service issued a 10(a)(1)(B) incidental take permit effective August 1, 1995, to Clark County, the Cities of Las Vegas, North Las Vegas, Boulder City, Henderson, Mesquite, and the Nevada Department of Transportation for the Clark County Desert Conservation Plan (Desert Conservation Plan), a habitat conservation plan for the Mojave Desert Tortoise, a species listed as threatened by the Service in 1990. The Desert Conservation Plan provides for conservation measures for the desert tortoise in the County and for incidental take consistent with the long-term viability of the species in this portion of its range.

The Desert Conservation Plan includes provisions for a proactive approach to conservation planning for multiple species in the County. The specified intent of this approach was to reduce the likelihood of future listing of plants and wildlife as threatened or endangered. While the proposed Multi-Species Conservation Plan is the direct outgrowth of provisions of the Desert Conservation Plan, it will not replace or modify the approved Desert Conservation Plan. The Multi-Species Conservation Plan will provide stand-alone conservation measures for species included in the plan. Implementation of the conservation measures in the Multi-Species Conservation Plan is anticipated to be a cooperative effort among the County, the Cities of Las Vegas, North Las Vegas, Boulder City, Henderson, and Mesquite, the Service, the Bureau of Land Management, U.S. Forest Service, National Park Service, Nevada Division of Wildlife, and other Federal and State land managers and regulators.

Environmental review of the Multi-Species Conservation Plan will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act regulations (40 CFR parts 1500–1508), other appropriate regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with section 1501.7 of the National Environmental Policy Act to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the Environmental Impact Statement.

Dated: February 24, 1997.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon

[FR Doc. 97–5135 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Indian Affairs

Tribal Consultation on Indian Education Topics

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation meetings.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA) will conduct consultation meetings to obtain oral and written comments concerning potential issues in Indian Education Programs. The potential issues which will be set forth in a tribal consultation booklet to be issued prior to the meetings are as follows:

1. Facilities Operation and Maintenance—Tribal Priority Allocation
2. Facilities Operation and Maintenance Formula Modifications
3. Office of Indian Education Programs Draft Strategic Plan
4. Other Consultation Items
5. Displacement Costs for Schools Converting to Grant Status
6. Indian School Equalization Program: Ongoing Study
7. Office of Indian Education Programs: Draft School Technology Plan
8. Revisions to IASA/Goals 2000 Consolidated State Plan
9. Executive Order 13021 of October 19, 1996—Tribal Colleges and Universities

DATES: April 10, 15, 16, 17, 18, 22, 23, 24, 25, 1997 for all locations listed. Several dates and locations were scheduled to coincide with meetings of various Indian education organizations. All meetings will begin at 9:00 a.m. and continue until 3:00 p.m. (local time) or until all meeting participants have an opportunity to make comments.

MEETING SCHEDULE

Date	Location	Local contact	Phone numbers
Apr. 10, 1997	New Orleans, LA	LaVonna, Weller	(703) 235–3233
Apr. 15, 1997	Phoenix, AZ	Angelita Felix	(520) 562–3557
Apr. 16, 1997	Albuquerque, NM	Ben Atencio	(505) 766–3034
Apr. 17, 1997	Anchorage, AK	Robert Pringle	(907) 271–4115
Apr. 18, 1997	Billings, MT	Larry Parker	(406) 247–7953
Apr. 22, 1997	Oklahoma City, OK	Joy Martin	(405) 945–6051
Apr. 23, 1997	Gallup, NM	Andrew Tah	(520) 283–2221
Apr. 23, 1997	Portland, OR	John Reimer	(503) 872–2745
Apr. 24, 1997	Cloquet, MN	Terry Portra	(612) 373–1090
Apr. 24, 1997	Rapid City, SD	Cherie Farlee	(605) 964–8722
Apr. 25, 1997	Sacramento, CA	Fayetta Babby	(916) 979–2560

Written comments should be mailed, to be received, on or before June 2, 1997, to the Bureau of Indian Affairs, Office of Indian Education Programs, MS–3512–MIB, OIE–32, 1849 C. Street, NW, Washington, D.C. 20240, Attn: Joann Sebastian Morris: or, may be hand delivered to Room 3512 at the same address. Comments may also be telefaxed to (202) 273–0030.

FOR FURTHER INFORMATION CONTACT: Dr. James Martin or Goodwin K. Cobb III at

the above address or call (202) 208–3550.

SUPPLEMENTARY INFORMATION: The meetings are a follow-up to similar meetings conducted by the OIEP/BIA since 1990. The purpose of the consultation, as required by 25 U.S.C. 2010(b), is to provide Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on potential issues raised during previous consultation meetings or being considered by the BIA regarding Indian education programs. A consultation booklet for the April meetings is being distributed to Federally recognized Indian Tribes, Bureau Area and Agency Offices and Bureau-funded schools. The booklets will also be available from local contact persons and at each meeting.

Dated: February 24, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97–5162 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[WY–930–1610–00]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Decision Record and Finding of No Significant Impact for the management of Big Cedar Ridge Fossil Plant Area in Washakie County, Wyoming.

SUMMARY: The decision record for the Big Cedar Ridge Fossil Plant Area outlines management for 1,550 acres in the Bighorn Basin Resource Area of the Worland District, amends the 1988 Resource Management Plan (RMP) for the former Washakie Resource Area, and designates an Area of Critical Environmental Concern (ACEC) on 260 acres, where fossil plants are concentrated.

The general management objective and emphasis within the Big Cedar Ridge Fossil Plant Area will be for scientific research, public education, recreation, and protection of the fossil resources.

The BLM will also pursue withdrawal of the public lands from entry under the mining laws to prohibit the staking of mining claims on 260 acres of BLM-administered public lands where fossils are concentrated. This action constitutes an amendment to the Washakie RMP.

In addition, an ACEC is designated on the same 260 acres. This ACEC designation constitutes an amendment to the Washakie RMP and will take effect at the end of a 60-day public comment period.

EFFECTIVE DATES: Comments on the Big Cedar Ridge Fossil Plant proposed ACEC should be sent to the BLM's Worland District Office at P.O. Box 119, Worland, Wyoming 82401, within 60 days of the publication date of this notice.

FOR FURTHER INFORMATION CONTACT: Margy Tidemann, Editorial Assistant, Bureau of Land Management, at the address cited above or at 307–347–5100.

SUPPLEMENTARY INFORMATION: The fossil concentration areas at Big Cedar Ridge, discovered in 1990 by Dr. Scott Wing of the Smithsonian Institution, meet the relevance and importance criteria for ACEC designation. The plants form a complete late Cretaceous-age vegetative community that was buried in-place by volcanic ash about 72 million years ago. The flora, consisting of flowering plants, ferns, palms, and conifer trees, preserves a true instant in time, highlighting relationships between the ancient landscape and its vegetation. Paleobotanists have already been able to establish plant, soil, and topographic associations. This is possibly the oldest site in the world where such associations are seen. Excavations in 1992 resulted in the identification of over 100 new plant species. Scientists have also been able to distinguish at least five different types of insect predation which took place on the flora of Big Cedar Ridge.

As described in the decision record for the area, a detailed activity or implementation plan will be developed for the 260-acre fossil concentration areas. These areas will be routinely monitored and any needed management changes will be made to insure that resource damage does not occur.

The 260-acre fossil concentration areas will be managed primarily for research, public education, and fossil interpretation, as well as hobby (noncommercial) collection of fossils.

Surface-disturbing activities that are not related to research, public education, interpretation, or hobby collection of fossils will be prohibited in the 260-acre fossil concentration areas.

As required, further environmental analyses will be conducted on any future site-specific activity or implementation planning to be done in the Big Cedar Ridge area. This would include opportunities for public comment.

Any detailed activity planning that may be conducted in the Big Cedar Ridge area will consider needs for site-specific mitigation of surface-disturbing activities for things like locating trails, roads, exhibits, and facilities to enhance public education.

Dated: February 19, 1997.

Alan R. Pierson,

State Director.

[FR Doc. 97–5086 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–22–P

Bureau of Land Management

[AK–910–07–1310–00–NPR–A]

Notice of Scoping Meetings on an Integrated Activity Plan (IAP)/ Environmental Impact Statement (EIS) for the National Petroleum Reserve—Alaska (NPR–A)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of scoping meetings.

SUMMARY: The Bureau of Land Management (BLM) is announcing scoping meetings for its IAP/EIS for approximately 4.6 million acres in northeastern NPR–A. The IAP/EIS will address long-term management strategies for several natural resources that are present in the area. Potential issues that the IAP/EIS may address include, but are not limited to, wildlife resources (terrestrial and aquatic) protection; mineral resource development (including oil and gas leasing); subsistence resources and activities and possible impacts on subsistence from various management alternatives; access; recreation; visual resources; threatened and endangered species; and historic, cultural, soil, water, and vegetation resources. Potential management actions and activities that may be considered in the IAP/EIS and that may have environmental and subsistence impacts for the area include mineral material extraction, leasable mineral exploration and development, recreation, commercial development, modification of the existing Special Areas, and identification of any new areas for additional resource protection. These public scoping meetings will provide an opportunity for the public to contribute ideas and information about the resources of the area and how they should be managed. Translators will be present at meetings in Barrow, Atqasuk, and Nuiqsut.

DATES: The BLM will hold public scoping meetings according to the following schedule:

1. March 17, 1997, Barrow, Alaska, North Slope Borough Assembly Room, 7:30 p.m.

2. March 18, 1997, Atqasuk, Alaska, Community Center, 7:30 p.m.

3. March 19, 1997, Nuiqsut, Alaska, Kisik Community Center, 7:30 p.m.

4. March 25, 1997, Anchorage, Alaska, BLM Campbell Tract Facility training room, 6881 Abbott Loop Road, 6–9 p.m.

5. March 27, 1997, Fairbanks, Alaska, Noel Wien Public Library, 1215 Cowles Street, 5–9 p.m.

FOR MORE INFORMATION CONTACT: For information about the Anchorage meeting, contact Rob McWhorter at (907) 271–3664 or Ed Bovy at (907) 271–3318 at the BLM's Alaska State Office, 222 W. 7th Avenue, Anchorage, Alaska 99513. For information on all the other meetings, contact the Public Affairs Office at (907) 474–2231 at the BLM's Northern District Office, 1150 University Avenue, Fairbanks, Alaska 99709.

Sally Wisely,

Associate State Director, Alaska.

[FR Doc. 97–5136 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–JA–P

Bureau of Land Management

[CA–360–1430–01; CACA 7618]

Public Land Order No. 7248; Revocation of Secretarial Order Dated April 20, 1922; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order dated April 20, 1922, in its entirety as to the remaining 489.56 acres of lands withdrawn for the Bureau of Land Management's Power Site Classification No. 29. The lands are no longer needed for this purpose, and the revocation is necessary to facilitate a pending land exchange under Section 206 of the Federal Land Policy and Management Act of 1976. Of the 489.56 acres being revoked, 329.56 acres are temporarily closed to surface entry and mining by a pending land exchange. These lands have been and will continue to be open to mineral leasing. The remaining 160 acres were conveyed out of public ownership in 1926. Since they were not conveyed subject to Section 24 of the Federal Power Act, the revocation insofar as it affects the 160 acres is a record clearing action only.

EFFECTIVE DATE: June 3, 1997.

FOR FURTHER INFORMATION CONTACT: Kathy Gary, BLM California State Office (CA–931.5), 2135 Butano Drive, Sacramento, California 95825; 916–979–2858.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), is it ordered as follows:

1. The Secretarial Order dated April 20, 1922, which established Power Site Classification No. 29, is hereby revoked in its entirety as to the following described lands:

Mount Diablo Meridian

(a) Pending Exchange Lands.

T. 31 N., R. 8 W.,
Sec. 4, lot 13 (originally described as SW¼SW¼);
Sec. 8, lots 1 and 4, and NW¼NE¼.

T. 32 N., R. 8 W.,
Sec. 30, lots 9, 10, 11, 16, and 17 (originally described as SE¼NE¼ and SE¼).

(b) Record Clearing Land.

T. 32 N., R. 8 W.,
Sec. 32, NW¼.

The areas described aggregate 489.56 acres in Trinity county.

2. At 10 a.m. on June 3, 1997 the lands described in paragraph 1(a) will be available for exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 (1988).

3. The land described in paragraph 1(b) was conveyed out of public ownership in 1926. Therefore, the revocation insofar as it affects that land is a record clearing action only.

4. The lands described in paragraph 1(a) have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, 30 U.S.C. 621 (1988). However, since this act applies only to lands withdrawn for power purposes, the provisions of the act are no longer applicable. These lands have been and continue to be open to mineral leasing.

5. The State of California, with respect to the lands described in paragraph 1(a), has a preference right for public highway rights-of-ways or material sites for a period of 90 days from the date of publication of this order, and any location, entry, selection, or subsequent patent shall be subject to any rights granted the State as provided by the Act of June 10, 1920, Section 24, as amended, 16 U.S.C. 818 (1988).

Dated: February 7, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97–5092 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–40–M

[WY–985–97–0777–00; WYW139860]

Notice of Realty Action; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Classification of public land for recreation and public purposes, Natrona County, Wyoming.

SUMMARY: The following public land has been examined and found suitable for classification for lease only to the Town of Midwest, Wyoming under the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*).

Sixth Principal Meridian

T. 40 N., R. 79 W.,
Sec. 25, SE¼, SW¼, NW¼, SW¼SE¼NW¼, NE¼, NW¼SW¼, NW¼NE¼, SW¼.
Containing 20 acres, more or less.

The Town of Midwest proposes to use the land that currently has an existing cooling pond located on it for recreational uses, including development of a portion of the pond for scuba diving activities. The lease of these lands under the Recreation and Public Purpose Act is consistent with the Platte River Resource Management Plan.

COMMENTS: For a period of 45 days from the date of publication of this Notice in the Federal Register, interested parties may submit comments regarding the proposed lease or the classification of the lands to the Area Manager, Platte River Resource Area, P.O. Box 2420, Mills, WY 82644. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this Notice in the Federal Register. Upon publication of this Notice in the Federal Register, the lands will be segregated from all forms of appropriations under the public land laws, including the general mining laws, except for lease under the Recreation and Public Purpose Act and leasing under the mineral leasing laws.

SUPPLEMENTARY INFORMATION: Detailed information concerning this action is available for review at the Bureau of Land Management, Platte River Resource Area Office, 815 Connie Street, Mills, WY 82644.

Dated: February 20, 1997.

Mike Karbs,

Area Manager.

[FR Doc. 97–5084 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–22–M

National Park Service

Jimmy Carter National Historic Site; Notice of Advisory Commission Meeting

SUMMARY: Notice is hereby given in accordance with the Federal Advisory

Commission Act that a meeting of the Jimmy Carter National Historic Site Advisory Commission will be held at 8:30 a.m. to 4:00 p.m. at the following location and date.

DATES: March 20–21, 1997.

LOCATION: The Carter Presidential Library, One Coppenhill, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Boyles, Superintendent, Jimmy Carter National Historic Site, Route 1 Box 800, Andersonville, Georgia 31711, (912) 924–0343.

SUPPLEMENTARY INFORMATION: The purpose of the Jimmy Carter National Historic Site Advisory Commission is to advise the Secretary of the Interior or his designee on achieving balanced and accurate interpretation of the Jimmy Carter National Historic Site.

The members of the Advisory Commission are as follows:

Dr. Steven Hochman
Dr. James Sterling Young
Dr. Donald B. Schewe
Dr. Henry King Stanford
Dr. Barbara Fields, Director, National Park Service, Ex-Officio member

The matters to be discussed at this meeting include the status of park development and planning activities. This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meeting.

Dated: February 24, 1997.

Daniel W. Brown,

Acting Regional Director, Southeast Region.

[FR Doc. 97–5133 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–70–M

Agenda for the February 12, 1997 Public Meeting for the Advisory Commission for the San Francisco Maritime National Historical Park; Public Meeting, Fort Mason Center, Building F, 10:00 AM–12:30 PM

10:00 AM Welcome—Neil Chaitin, Chairman
Opening Remarks—Neil Chaitin, Chairman, William G. Thomas, Superintendent
Approval of Minutes—October 17, 1996 meeting
10:15 AM Update—General Management Plan, William G. Thomas, Superintendent
10:35 AM Review—Programmatic Agreement between the Park, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation, regarding historical compliance issues within the Draft General Management Plan of 1996. Stephen Canright, Curator of History and/or Frank Willis, Denver Service Center.
11:05 AM Update—Haslett Warehouse Building Plan, William G. Thomas, Superintendent
11:20 AM Status—Condition of Ships/Inspection Procedures, Wayne Boykin, Ships Manager
WAPAMA—Condition Status, Wayne Boykin, Ships Manager
—Army Corps of Engineers, Bay Model Visitor Center, Status of Docking Agreement, William G. Thomas, Superintendent, Representative, Army Corps of Engineers
12:00 PM Public comments and questions
12:15 PM Election of Officers
12:30 PM Agenda items/Date for next meeting
12:45 PM Adjournment

William G. Thomas,

Superintendent.

[FR Doc. 97–5134 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Reclamation

Operating Criteria and 1997 Annual Plan of Operations for Glen Canyon Dam

AGENCY: Bureau of Reclamation, Interior.

ACTION: Adoption of operating criteria and 1997 annual plan of operations.

SUMMARY: Pursuant to the Grand Canyon Protection Act of 1992, the Bureau of Reclamation (Reclamation) is required to prepare formal Operating Criteria and an Annual Plan of Operations following completion of an audit by the General Accounting Office (GAO) and the Record of Decision (ROD) on the Operation of Glen Canyon Dam. The GAO audit was completed on October 2. 1996, and the Glen Canyon Dam Operation ROD was signed on October 9, 1996. Draft copies of the proposed Operating Criteria and the 1997 Annual Plan of Operations were distributed to Governors of the Colorado River Basin States, the Upper Colorado River Commission, appropriate Federal agencies, Indian Tribes, representatives of academic and scientific communities, environmental organizations, the recreation industry, contractors for the purchase of federal power produced at Glen Canyon Dam, and others interested in Colorado River operations.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Moore, Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102; telephone: 801–524–3702.

SUPPLEMENTARY INFORMATION: The Operating Criteria specify the requirements for an annual report of operations under the Grand Canyon Protection Act, a periodic review of Operating Criteria, and details regarding operational constraints. These constraints include maximum, minimum, and daily fluctuation flow rates, maximum ramp rates, emergency exception criteria, flood frequency reduction measures, habit maintenance flows, and beach/habitat building flows.

The 1997 Annual Plan of Operations reflects the operation of Glen Canyon Dam consistent with the Operating Criteria. Monthly releases are expected to vary between 600,000 acre-feet and 1,500,000 acre-feet and daily fluctuations will likely vary between 6,000 cfs/day and 8,000 cfs/day depending on monthly release volumes. The revised maximum daily flow rate of 25,000 cfs and the maximum upramp rate of 4,000 cfs/hr. will be placed into effect following signing of these documents by the Secretary of the Interior. The following paragraphs contain the final text of the Operating Criteria and the 1997 Plan of Operations for Glen Canyon Dam.

Operating Criteria: These Operating Criteria are promulgated according to section 1804 of Public Law 102–575, the Grand Canyon Protection Act of 1992. They are to control the operation of Glen Canyon Dam, constructed under the authority of the Colorado River Storage Project Act. These Operating Criteria are separate and apart from the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs prepared according to the Colorado River Basin Project Act of 1968.

1. Annual Report: As required in the Grand Canyon Protection Act, a report shall be prepared and submitted to Congress annually. This report will describe the operation of Glen Canyon Dam for the preceding water year and the expected operation for the upcoming water year. The annual plan of operations shall include such detailed rules and quantities as are required by the Operating Criteria contained herein. It shall provide a detailed explanation of the expected hydrologic conditions for

the Colorado River immediately below Glen Canyon Dam.

2. Review of Criteria: The Secretary of the Interior shall review these Operating Criteria as the result of actual operating experiences to determine if the Operating Criteria should be modified to better accomplish the purposes of the Grand Canyon Protection Act. Such a review shall be made at least every 5 years in consultation with the appropriate Federal agencies, Governors of the Colorado River Basin States, Indian Tribes, representatives of academic and scientific communities, environmental organizations, the recreation industry and contractors for the purchase of Federal power produced at Glen Canyon Dam.

3. Specific Operational Constraints: The plan of operations will follow the description of the preferred alternative (Modified Low Fluctuating Flow) in the Operation of Glen Canyon Dam Final Environmental Impact Statement and its Record of Decision. The specific criteria are as follows:

Minimum Releases—8,000 cfs between 7 a.m. and 7 p.m. and 5,000 cfs at night.

Maximum Releases—25,000 cfs. Several circumstances warrant exception to this restriction. These are the Beach/Habitat Building Flows and the Habitat Maintenance Flows (both described below) and the release of large volumes of water to avoid spills or floodflow releases from Glen Canyon Dam. These latter releases would most likely result from high snowmelt runoff into Lake Powell; if such high releases above 25,000 cfs are required, they shall be made at constant daily flow rates.

Allowable Daily Flow Fluctuations—5,000 cfs/24 hours for monthly release volumes less than 600,000 acre feet; 6,000 cfs/24 hours for monthly release volumes of 600,000 to 800,000 acre feet; and 8,000 cfs/24 hours for monthly release volumes over 800,000 acre feet.

Maximum Ramp Rates—4,000 cfs/hour when increasing, and 1,500 cfs/hour when decreasing.

Emergency Exception Criteria—Normal powerplant operations will be altered temporarily to respond to emergencies. These changes in operations typically would be of short duration (usually less than 4 hours) and would be the result of emergencies at the dam or within the interconnected electrical system. Examples of system emergencies include:

- Insufficient generating capacity.
- Transmission system; overload, voltage control, and frequency.
- System restoration.
- Humanitarian situations (Search and rescue).

Flood Frequency Reduction Measures—The frequency of unanticipated flood flows in excess of 45,000 cfs will be reduced to no more than 1 year in 100 years as a long-term average. This will be accomplished initially through the Annual Operating Plan process and eventually by raising the height of the spillway gates at Glen Canyon Dam 4.5 feet.

Habitat Maintenance Flows—Habitat maintenance flows are high, steady releases within powerplant capacity (33.200 cfs) not to exceed 14 days in March, although other months will be considered under the Adaptive Management Program. Actual powerplant release capacity may be less 33,200 cfs under low reservoir conditions. These flows will not be scheduled when projected storage in Lake Powell on January 1 is greater than 19,000,000 acre feet, and typically would occur when annual releases are at or near the minimum objective release of 8,230,000 acre-feet. Habitat maintenance flows differ from beach/habitat-building flows because they will be within powerplant capacity, and will occur nearly every year when the reservoir is low.

Beach/Habitat-Building Flows—These controlled floods will occur as described in the EIS (steady flow not to exceed 45,000 cfs, duration not to exceed 14 days, up-ramp rates not to exceed 4,000 cfs/hours, and down-ramp rates not to exceed 1,500 cfs/hour) except instead of conducting them in years in which Lake Powell storage is low on January 1, they will be accomplished by utilizing reservoir releases in excess of powerplant capacity required for dam safety purposes. Such releases are consistent with the 1956 Colorado River Storage Project Act, the 1968 Colorado River Basin Project Act, and the 1992 Grand Canyon Protection Act.

1997 Annual Plan of Operations: Under the most probable inflow conditions in water year 1997, Glen Canyon Dam is expected to release about 14.1 million acre-feet through the Grand Canyon to Lake Mead. This is about 5.9 million acre-feet greater than the minimum objective release and is the result of high snowpack conditions throughout the Colorado River basin. Lake Powell is expected to fill in July.

Monthly release volumes from Glen Canyon Dam during 1997 are expected to range from 600,000 acre-feet to 1,500,000 acre-feet. Projected daily allowable fluctuations therefore will be 6,000 cfs or 8,000 cfs (see criteria). With the projected monthly release volumes, it is likely that peak daily releases will exceed 20,000 cfs during the months of February through July, when monthly release volumes are at their highest for the year. Minimum releases of 5,000 cfs at night and 8,000 cfs during the day and ramping rates of 4,000 cfs/hr increasing and 1,500 cfs/hr decreasing will be followed. All of the above is outlined in the Record of Decision implementing the preferred alternative of the Glen Canyon Dam Environmental Impact Statement.

With current projected monthly release volumes, daily releases will exceed 20,000 cfs during the months of February through July, when monthly release volumes are at their highest for the year. Releases above 25,000 cfs will be made as steady flows. Since there are concerns for possible modifications of the environmental restoration in the Grand Canyon accomplished last year with the beach/habitat building flow, monitoring of the impacts of this spring's releases will be an important objective of the Grand Canyon Monitoring and Research Center and may result in fluctuating flows to aid in this effort.

Every measure will be taken to prevent a powerplant bypass this spring in order to preserve the environmental enhancement accomplished by the beach/habitat building flow test in April 1996. Water year 1997 had a January 1, 1997, Lake Powell storage content greater than 19 million acre-feet; therefore a beach/habitat maintenance flow of powerplant capacity is not planned.

This plan in prepared in conformance with Section 1804(c)(1)(A) of the GCPA. Any changes to the plan would require reconsultation in accordance with this Act.

The draft Operating Criteria and the 1997 Annual Plan of Operations were discussed at a consultation meeting held on November 21, 1996, with the Transition Work Group, which includes many of the same people who received draft copies.

Dated: February 14, 1997.

Eluid L. Martinez,

Commissioner, Bureau of Reclamation.

[FR Doc. 97–5144 Filed 2–28–97; 8:45 am]

BILLING CODE 4310–94–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

International Development Cooperation Agency

Notice of Public Information Collections Submitted to OMB for Review

SUMMARY: Agency for International Development (AID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for AID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503. Copies of submission may be obtained by calling (202) 516–1743.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0552.

Form Number: N/A.

Title: Financial Status Report.

Type of Submission: Renew.

Purpose: U.S.A.I.D. wants to require grant and cooperative agreement recipients who work in multiple countries in Eastern Europe and the New Independent States to provide expenditure reports by country. USAID/ENI has stated in the ''remarks'' section of SF–269 or SF–269A, or other applicable approved financial report form that ''For assistance programs in Eastern Europe or the New Independent States which cover programs in more than one country, recipients shall specify the amount of the total Federal share which was expended for each country * * *'' The USAID/ENI has sought a clear deviation to the statute of the Office of Budget and Management in accordance with the 22 CFR 226.4. The information are being collected so that USAID will know how much of its funds are being spent for each country in order to report to Congress, the Office of Management and Budget and other requesters. Also, the reporting requirements are necessary to assure that USAID funds are expended in accordance with statutory requirements and USAID policies.

Annual Report Burden:

Respondents: 1,000

Annual responses: 320

Total Annual Responses: 5120

Dated: February 20, 1997.

Willette Smith,

Acting Chief, Information Support Services Division, Office of Administrative Services, Bureau of Management.

[FR Doc. 97–5085 Filed 2–28–97; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Office of Inspector General

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under emergency review; regional information sharing system member agency survey.

The Department of Justice, Office of the Inspector General, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by March 30, 1997. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Victoria Wassmer, 202–395–5871, Department of Justice Desk Officer, Washington, DC 20530.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(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, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to John Antonelli (phone number and address listed below). If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact John Antonelli, 202–616–4666, Office of the Inspector General, Audit Division, U.S. Department of Justice, Suite 5000, 1425 New York Avenue, NW, Washington, DC 20005.

Overview of this information collection:

(1) Type of information collection: New collection.

(2) The title of the form/collection: Regional Information Sharing System Member Agency Survey.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: None. Office of the Inspector General, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: federal, state, and local law enforcement agencies. Other: None. This collection will gather information for an Inspector General's audit and will help determine user satisfaction with Regional Information Sharing Systems.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 150 respondents with an average 1 hour per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 150 hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: February 25, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–5108 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–18–M

Office of Community Oriented Policing Services

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Survey protocol: COPS MORE (Making Officer Redeployment Effective) '95.

The Department of Justice, Office of Community Oriented Policing Services submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this information collection is requested by March 8, 1997, and is only valid for 180 days. The Department of Justice is also using this notice to seek public comments for 60 days until May 2, 1997.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to OMB, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1590. Written comments may also be submitted to Stacy Curtis, Social Science Analyst, Office of Community Oriented Policing Services, 1100 Vermont Avenue, N.W., Washington, D.C. 20530, or via facsimile at (202) 616–5998.

Written comments and suggestions from the public and affected agencies should address one of the following four points:

(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, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: Survey Protocol: COPS MORE (Making Officer Redeployment Effective) '95.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: COPS 18/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: State, local and tribal law enforcement agencies that received a COPS MORE '95 grant and that were selected to participate in a phone survey. COPS MORE (Making Officer Redeployment Effective) '95 provided grant monies to selected law enforcement agencies that submitted grant applications requesting financial assistance for the purchase of equipment, hiring of civilians, and provision of overtime resulting in the redeployment of law enforcement officers to community oriented policing activities. The 1994 Crime Bill states that grants for equipment, technology, and support systems may not be awarded in FY 1998–2000 unless the Attorney General has certified that grants awarded in fiscal years 1995–1997 have resulted in an increase in the number of officers deployed in community policing. The survey in consideration covers all areas necessary to determine the effectiveness of COPS MORE '95 in meeting the above criteria.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Survey Protocol: COPS MORE (making Officer Redeployment Effective) '95: Approximately 200 respondents, at 1.25 hours per response (including record-keeping).

(6) An estimate of the total public burden (in hours) associated with the collection: Approximately 250 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: February 25, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–5113 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree embodying a partial settlement in *United States* v. *Allied-Signal, Inc.*, Civil Action No. 93–6490 MRP, was lodged on February 18, 1997, with the United States District Court for the Central District of California. The decree resolves the liability of the settling defendants for reimbursement of response costs incurred pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9601 *et seq.*, by the United States Environmental Protection Agency (''EPA'') at the North Hollywood Operable Unit (''NHOU'') of the San Fernando Valley Basin Superfund Site (''SFVB''), in the greater Los Angeles area. The settling defendants and third-party defendants, AlliedSignal, Inc.; Hawker Pacific, Inc.; Los Angeles By-Products Company, Inc.; California Car Hikers Service; Gordon N. and Peggy M. Wagner; Joseph W. Basinger; Parker-Hannifin Corporation; Inchcape, Inc.; Crown Disposal Company, Inc.; Western Waste Industries, Inc.; Browning-Ferris Industries, Inc.; E.I. DuPont De Nemours, Inc.; HR Textron, Inc.; AVX Filters Corporation; Price Pfister, Inc.; Nupla Corporation; Herman and Isabel Benjamin; and the Benjamin Family Trust, have agreed to pay a total of $4,812,500 to the United States to resolve their liability for past and future NHOU response costs and past SFVB Basin-wide costs through April 30, 1992.

The consent decree includes a covenant not to sue under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606, 9607, and under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. § 6973.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and

Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. Allied-Signal, Inc., DOJ Ref. #90–11–3–1149. Commenters may request a public hearing in the affected area, pursuant to Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed consent decree may be examined at the office of the United States Attorney, Central District of California, Federal Building, Room 7516, 300 North Los Angeles Street, Los Angeles, California 90012; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 1120 ''G'' Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 ''G'' Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $23.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–5154 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–15–M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act and the Rivers and Harbors Act

In accordance with Departmental Policy, 28 CFR § 50.7, notice is hereby given that a consent decree in *United States of America* v. *Fina Oil and Chemical Company, Belaire Consulting Inc., Grace Drilling Company, Brown Water Marine Service, Inc., and Loyd W. Richardson Construction Corporation,* No. H–93–0691 (S.D. Tex.) and *United States of America* v. *Fina Oil and Chemical Company,* No. H–93–4012 (S.D. Tex.), was lodged with the United States District Court for the Southern District of Texas on February 20, 1997.

The proposed consent decree would resolve the United States allegations in these two enforcement actions: (1) that the Defendants have violated Section 301(a) of the Clean Water Act (''CWA''), 33 U.S.C. § 1311(a), and Section 10 of the Rivers and Harbors Act (''RHA''), 33 U.S.C. § 403, by propwashing and otherwise damaging approximately 37.5 acres of seagrass habitat in the Laguna Madre near Corpus Christi, Texas; and (2) that Fina has violated Section 10 of the RHA, 33 U.S.C. § 403, by continuing to maintain a wellhead and associated structures in the Laguna Madre after Fina's permit to do so was revoked by the U.S. Army Corps of Engineers.

The proposed consent decree would: (1) require Fina to restore the 37 acres of seagrass meadows damaged during the installation of the wellhead, (2) require Fina to create an additional 37 acres of seagrass meadows to mitigate for the past lost ecological value of the damaged seagrass meadows, (3) require the non-Fina Defendants to contribute towards the cost of the restoration and mitigation projects, and (4) require the Defendants to pay civil penalties totaling $2.28 million. As part of this settlement, the Corps' revocation of Fina's RHA permit would be vacated, and compliance with that permit would be enforceable under this Consent Decree.

The Department of Justice will accept written comments relating to the proposed consent decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Scott J. Jordan, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026–3986, and should refer to *United States* v. *Fina Oil and Chemical Company,* DJ Reference No. 90–5–1–6–486.

The proposed consent decree may be examined at either the Clerk's Office, United States District Court, Southern District of Texas, 515 Rusk Street, Houston, Texas 77002, or at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. Requests for a copy of the consent decree may be mailed to the Consent Decree Library at the above address, and must include a check in the amount of $12.75.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 97–5152 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–15–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States of America* v. *David Bowen Wallace, et al.,* Civil Action No. 3–93CV0838–P (consolidated with No. C:93–CV–0841–G) among the United States, the State of Texas, CTU of Delaware, Inc. (''CTU''), and the United Technologies Corporation (''UTC'') was lodged on February 18, 1997, with the United States District Court for the Northern District of Texas, Dallas Division.

On April 30, 1992, the United States and the State of Texas filed Complaints under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607, as amended (''CERCLA'') against more than seventy defendants, including CTU and UTC, for reimbursement of response costs incurred and to be incurred by the United States and the State of Texas for response actions related to the release or threatened release of hazardous substances at the Bio-Ecology Superfund Site (''Site'') in Grand Prairie, Texas. The remediation of the Site was successfully completed in April 1993.

Under the proposed Consent Decree, CTU and UTC have agreed to pay the EPA Hazardous Substances Superfund $1,600,000 or 14% of the $11,201,300 in response costs incurred at the Site. The Consent Decree resolves the liability of CTU and UTC subject to the reservations of rights set forth in the Consent Decree. As part of the Consent Decree, CTU and UTC have agreed to dismiss any remaining counterclaims against the United States, including those against EPA. When the payment by CTU and UTC is combined with the payments already received from previous settlement agreements, the United States will have recovered $10,642,842 or 95% of the total response costs at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *David Bowen Wallace et al.,* DOJ No. 90–11–3–204A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, United States Courthouse, 1100 Commerce Street, Room 16G28, Dallas, Texas 75242; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in

the amount of $7.00 (25 cents per page), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–5153 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–15–M

[F.C.S.C. Meeting Notice No. 4–97]

Foreign Claims Settlement Commission, Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Monday, March 10, 1997, 11:00 a.m.

Subject Matter: Consideration of Proposed Decisions on claims against Albania.

Status: Open

Subject matter not disposed of at the scheduled meeting may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6029, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC, February 25, 1997.

Judith H. Lock,

Administrative Officer.

[FR Doc. 97–5226 Filed 2–26–97; 8:45 am]

BILLING CODE 4410–01–P

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Extension of existing collection; Affidavit of support.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' from May 2, 1997.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: *Extension of a currently approved collection.*

(2) Title of the Form/Collection: Affidavit of Support.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I–134. Office of Examinations, Adjudications, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. The information collected is used to determine whether the applicant for benefit will become a public charge if admitted to the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 44,000 responses at 20 minutes (.333) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 14,652 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: February 24, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–5109 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–18–M

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB emergency approval; Application for asylum and withholding of removal.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the Federal Register on February 11, 1997 at 62 FR 6270, allowing for a 60-day public comment period. The INS cannot wait for the 60-day comment period to close since the effective date for implementation of the revised Form I–589 is April 1, 1997. No comment have been received by the Immigration and Naturalization Service. The proposed information collection is published to obtain comments from the public and affected agencies. OMB approval has been requested by March 7, 1997. If granted, the emergency approval is only valid for 180 days. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Immigration and Naturalization Service, Director, Policy Directives and Instructions Branch, Richard Sloan (202–616–7600).

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attention: Ms. Debra Bond, 202–395–7316, Department of Justice Desk Officer, Room 10235, Office of Management and Budget, Washington, DC 20503.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: *Revision of a currently approved collection.*

(2) Title of the Form/Collection: Application for Asylum and Withholding of Removal.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I–589. Office of International Affairs, Asylum Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. The information collected is used by the INS and EOIR to access eligibility of persons applying for asylum and withholding of deportation.

(5) An estimate of the total number of respondents and the amount of times estimated for an average respondent to respond: 80,000 responses at three and one half (3.5) hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 280,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: February 24, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–5110 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–18–M

Agency Information Collection Activities:

Proposed Collection; Comment Request

ACTION: Extension of existing collection; medical certification for disability exceptions.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register on December 26, 1996 at 61 FR 68056, utilizing emergency review in addition to allowing a 60-day comment period. No comments were received by the Immigration and Naturalization Service. The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until [April 2, 1997]. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to OMB, Office of Information and Regulatory Affairs, Attention: OMB Desk Officer for the Immigration and Naturalization Service, Office of Management and Budget, Room 10235, Washington, DC 20530 (202–395–7316). Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public should address one or more of the following four points.

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumption used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of Responses.

Overview of this information collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: Medical Certification for Disability Exceptions.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form N–648. Adjudications Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. These medical certifications, executed by licensed health care providers, will be used to support an applicant's clam to an exception of the literacy and history/government knowledge requirements found in section 312 of the Immigration and Nationality Act.

(5) As estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 300,000 respondents at 3 hours per response.

(6) An estimate of the total public burden (in hour) associated with the collection: 900,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information management and Security Staff, Justice Management Division, Suite 850, Washington Center,

1001 G Street, N.W., Washington, DC 20530.

Dated: February 24, 1997.

Robert B. Briggs,

Department Clearance Officer,

[FR Doc. 97–5113 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–18–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Extension of existing collection; Reengineered foreign students pilot program.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register on December 10, 1996 at 61 FR 65082, utilizing emergency review in addition to allowing a 60-day comment period. No comments were received by the Immigration and Naturalization Service. The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 2, 1997. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Information and Regulatory Affairs, Attention: OMB Desk Officer for the Immigration and Naturalization Service, Office of Management and Budget, Room 10325, Washington, DC 20530 (202–395–7316). Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public should address one or more of the following points:

(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 agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) Type of Information Collection: *Extension of a currently approved collection.*

(2) Title of the Form/Collection: Reengineered Foreign Students Pilot Program.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: No agency form number. Office of Examinations—Adjudications Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Not-for-profit institutions, Business or other for-profit. The INS and the United States Information Agency (USIA) are initiating a pilot project to test a prototype of a reengineered Foreign Student and School Program as mandated under Subtitle D, Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The pilot effort will test an administrative process to use a computer-supported notification and reporting process from schools to the INS regarding foreign students and exchange visitors through the duration of their status in the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 50 respondents at 60 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 3,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: February 24, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–5112 Filed 2–28–97; 8:45 am]

BILLING CODE 4410–18–M

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The U.S. Merit Systems Protection Board (MSPB) is requesting a one-year extension of approval of its optional appeal form, Optional Form 283 (Rev. 10/94) from the Office of Management and Budget (OMB) under section 3506 of the Paperwork Reduction Act of 1995. The appeal form is currently displayed in 5 CFR Part 1201, Appendix I, and on the MSPB Web Page at http://www.gpo.gov/mspb/index.htm.

In this regard, we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this form is estimated to vary from 20 minutes to one hour per response, with an average of 30 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual Number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	9,000	1	9,000	.5	4,500

In addition, the MSPB invites comments on (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

DATES: Comments must be received on or before May 2, 1997.

ADDRESSES: Copies of the appeal form may be obtained from Arlin Winefordner, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, DC 20419 or by calling (202) 653–7200. Comments concerning the paperwork burden should also be addressed to Mr. Winefordner.

Dated: February 25, 1997.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 97–5139 Filed 2–28–97; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–025]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Structure and Evolution of the Universe Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Structure and Evolution of the Universe Subcommittee.

DATES: Monday, March 24, 1997, 8:30 a.m. to 5:00 p.m., and Tuesday, March 25, 1997, 8:30 a.m. to 5:00 p.m.

ADDRESSES: Goddard Space Flight Center, Bldg. 26, Conference Room 212, Greenbelt Road, Greenbelt, MD 20771.

FOR FURTHER INFORMATION CONTACT: Dr. Alan N. Bunner, Code SA, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0364.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Status of Ongoing Missions
—Structure and Evolution of Universe (SEU) Strategic Planning
—Plans and Concepts for Future Missions
—Development of SEU Technology ''Roadmap''
—Discussion of President's FY 1998 NASA Budget

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 25, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–5172 Filed 2–28–97; 8:45 am]

BILLING CODE 7510–01–M

[Notice (97–024)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Global Dynamics International, Inc., of Ann Arbor, MI 48108, has applied for a partially exclusive license to practice the invention described in NASA Case No. MSC–22532–1, entitled ''Adaptive Speech Recognition System and Method,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATE: Responses to this notice must be received by May 2, 1997.

FOR FURTHER INFORMATION CONTACT: James M. Cate, Patent Attorney, Lyndon B. Johnson Space Center, Mail Stop HA, Houston, TX 77058–3696, telephone (281) 483–1001.

Dated: February 21, 1997.

Edward A. Frankle,

General Counsel.

[FR Doc. 97–5171 Filed 2–28–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities Under OMB Review

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) named below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 2, 1997.

FOR FURTHER INFORMATION OR A COPY CONTACT: Marijean Brown at NCUA (703) 518–6413.

SUPPLEMENTARY INFORMATION:

Title: Community Development Revolving Loan Program for Credit Unions, Application for Technical Assistance (OMB Control No. 3133–0137). This is a request for an extension of a currently approved information collection. The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on December 23, 1996. No comments were received.

Send comments including suggestions for reducing the burden to the following addresses: Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., Washington, DC 20503, Attn: Desk Officer Alexander Hunt and NCUA, 1775 Duke St., Alexandria, VA 22314–3428, Attn: Marijean Brown. Please refer to OMB Control No. 3133–0137.

By the National Credit Union Administration Board on February 26, 1997.

Becky Baker,

Secretary of the Board.

[FR Doc. 97–5202 Filed 2–28–97; 8:45 am]

BILLING CODE 7535–01–U

POSTAL RATE COMMISSION

[Parcel Classification Reform Docket No. MC97–2]

Notice of Request for Changes in Domestic Mail Classification Schedule Provisions and Rates for Parcel Services and Order Instituting Proceedings

Issued February 24, 1997.

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice Chairman; George W. Haley; W.H. ''Trey'' LeBlanc III.

Notice is hereby given that on February 21, 1997, the United States Postal Service filed a Request with the Postal Rate Commission pursuant to § 3623 of the Postal Reorganization Act, 39 U.S.C. §§ 101 et seq., for a recommended decision on proposed changes in the Domestic Mail Classification Schedule (DMCS). The proposed revisions also include proposed new rates and fees. The Request includes attachments and is supported by the testimony of 13 witnesses and 46 library references. It is on file in the Commission Docket Room and is available for inspection during the Commission's regular business hours.

Contents of the Filing

The Service's Request incorporates significant changes in mail classification affecting parcels in the following subclasses of Standard Mail: Single Piece, Regular, Enhanced Carrier Route, Parcel Post, and Bound Printed Matter. The following summarizes the proposed classification changes on a subclass-by-subclass basis:

Single Piece

- Introduction of a parcel return service with rates below those currently applicable to returned single pieces.
- Introduction of a new forwarding service.

Regular Presort and Enhanced Carrier Route

- Establishment of a surcharged rate category for parcel-shaped items.

Parcel Post

- Re-introduction of a charge for bulky, lighter-weight parcel post.
- Adoption of an increase in the maximum permissible parcel size.
- Introduction of discounts for BMC presort and origin BMC entry.
- Introduction of discounts for DSCF entry combined with five-digit presort.
- Introduction of a discount for destination delivery unit entry.

Bound Printed Matter

- Adoption of an increase in the maximum weight limit.

The Postal Service Request also proposes changes that would apply across several different mail classifications. For all categories of Standard Mail weighing 16 ounces or more, the Service proposes:

- Introduction of prebarcode discounts; and
- Introduction of a delivery confirmation service using barcoded peel-off labels.

The Service also proposes the introduction of bulk rates tied to electronically-transmitted information for users of the Insurance special service who send First-Class, Priority, Parcel Post, Bound Printed Matter, Special, and Library Mail. Finally, the Service requests establishment of surcharges for hazardous medical materials and other mailable hazardous materials contained in First-Class, Priority, Express Mail, Standard Single Piece, Regular, Enhanced Carrier Route, and Parcel Post parcels.

In addition to proposed changes in mail classification, the Postal Service Request incorporates proposed adjustments in current postal rates and fees. The Service proposes revisions in Parcel Post rates to reflect revisions in transportation and processing cost information, and in the DBMC discounts available for Parcel Post to reflect current cost data. The Service also proposes to increase the fee for the pickup service available for Express Mail, Priority Mail, and Parcel Post.

Effect on Net Revenue

Unlike the Postal Service's earlier classification reform requests in Docket Nos. MC95–1 and MC96–2, its proposal in this docket is not intended to have a neutral effect on its overall net revenue. The Postal Service estimates that if its proposals in this docket were in effect throughout FY 1997, they would increase system revenues by $90.8 million while decreasing system costs by $35.4 million, for a net increase in system revenue of $126.2 million. USPS–T–1 at 7.

Cost and Roll-Forward Methodologies

In the past, interim Postal Service filings used the same base year and test year that were used in the most recent omnibus rate proceeding. This provided a consistent basis for comparing the cost and revenue effects of proposed interim changes with the cost and revenue effects of the general rate and classification schedules in place. In this interim filing, evaluation of the Postal Service's proposed changes is complicated by use of a base year (FY 1995) and a test year (FY 1997) that were not used to evaluate the rate and classification schedules emanating from Docket Nos. R94–1, MC95–1 and MC96–2. The Service's filing also develops base year costs solely by the methods that the Postal Service uses in its own Cost and Revenue Analysis Report (CRA). It does not follow the Commission's approved costing methods as far as practical, as the Postal Service's filing did in Docket No. MC93–1, nor does it describe and explain its departures from them, as the Postal Service's filing did in the last omnibus rate proceeding, Docket No. R94–1. Direct Testimony of Richard Patelunas on Behalf of the United States Postal Service, USPS–T–5, at 5–8.

Proposed DMCS Provisions

The Postal Service's Request proposes changes in the current Domestic Mail Classification Schedule (DMCS), which was extensively revised as the result of the first mail classification reform proceeding, Docket No. MC95–1. The DMCS is codified at 39 CFR Part 3001, Subpart C, Appendix A. In Attachment A to its Request, the Postal Service displays the changes it proposes in the version of the DMCS currently in effect.[1] These proposed revisions accompany this Notice as Attachment A.

Proposed Rate and Fee Schedules

In Attachment B to its Request, the Postal Service displays changes it proposes to the various rate and fee schedules currently in effect. Most of these proposed rate and fee changes correspond to the revisions the Postal Service proposes in the DMCS; however, some of the proposed changes would adjust rates or fees for current mail classifications on the basis of estimated cost changes or other rationales. These changes occur in rates for the Parcel Post subclass and the fee for the Pickup service available for Express Mail, Priority Mail, and Parcel Post. The Postal Service's requested changes in rates and fees accompany this Notice as Attachment B.

Intervention

Participation in Commission proceedings generally takes the form of either full intervention or limited participation. See sections 20 and 20a of the Commission rules of practice [39 CFR § 3001.20 and .20a]. For those wishing to express their views informally, without incurring the obligations that attach to the other two forms of participation, commenter status is available. See section 20b [39 CFR § 3001.20b]. Those wishing to be heard in this matter as either a full intervenor or limited participant are directed to file a written notice of intervention in conformance with section 20(b) or 20a(a), identifying the status they intend to assume and affirmatively stating how actively they expect to participate. In

[1] Proposed changes in the DMCS unrelated to the Postal Service's Request in this proceeding are pending in Commission Docket Nos. MC96–2, MC96–3, and MC97–1.

addition, intervenors are requested to provide a telephone number, facsimile number, and e-mail address, if available. [See proposed Special Rule 3A, infra.]

Notices of intervention should be sent to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street, NW, Suite 300, Washington, D.C. 20268–0001, and are to be filed on or before March 18, 1997. Commenter status does not require a notice of intervention.

Representation of the General Public

In conformance with section 3624(a) of title 39, the Commission designates W. Gail Willette, Director of the Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Willette will direct the activities of Commission personnel assigned to assist her and, when requested, will supply their names for the record. Neither Ms. Willette nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding.

Special Rules of Practice

The Commission proposes conducting this proceeding pursuant to the special rules of practice set forth in Attachment C. These rules reflect the special rules implemented in Docket Nos. MC96–2 and MC96–3, with two exceptions. The proposed special rules shorten the time for providing certain pleadings and answers to discovery from 14 days to 12 days, and eliminate provisions allowing for voluntary, alternative service of documents by electronic filing. In conducting its experiment with the electronic filing of case-related documents, the Commission observed a number of functional problems, some of which remain unresolved. Consequently, the Commission suspended the filing of documents by e-mail, effective February 4, 1997. *See* Secretary's Notice to Intervenors, February 4, 1997, appended hereto as Attachment D. However, participants who are capable of filing documents as word processing files stored on diskettes may avail themselves of an alternative method of filing them with the Commission, together with a reduced number of paper copies. See Special Rule of Practice 3.B.

Initial Prehearing Conference: Date, Location, and Agenda

The Commission will convene a prehearing conference at 2:00 p.m. on Thursday, March 20, 1997, in the Commission's hearing room at 1333 H Street, N.W., Suite 300, Washington, D.C. The Commission asks that persons attending the conference be prepared to discuss procedural and scheduling matters pertinent to the Service's filing.

Participants are to file a notice of issues they would like to raise for consideration at the prehearing conference. Suggestions need not be limited to procedural matters, but may include substantive issues to the extent that considering them at this stage might expedite the proceeding. An agenda incorporating participants' suggestions will be distributed at the beginning of the prehearing conference.

Docket Room Operations

Documents may be filed with the Commission's docket section Monday through Friday between 8 a.m. and 5 p.m. Questions about docket room operations should be directed to Ms. Peggie Brown (at 202–789–6847) or Ms. Joyce Taylor (at 202–789–6846).

It is ordered:

1. The Commission will sit en banc in this proceeding.

2. Notices of intervention shall be filed no later than March 18, 1997.

3. A prehearing conference will be held Thursday, March 20, 1997 at 2:00 p.m. in the Commission's hearing room.

4. Participants are to file notices of issues they intend to raise at the prehearing conference by March 18, 1997.

5. Comments on the proposed special rules of practice set out in Attachment C should be filed by March 18, 1997.

6. W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the interest of the general public in this proceeding.

7. The Secretary shall cause this Notice and Order to be published in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Requested Changes in the Domestic Mail Classification Schedule

In this Request, the Postal Service asks the Commission to recommend certain changes in the Domestic Mail Classification Schedule (DMCS). The changes requested herein alter the DMCS recommended by the Commission on November 29, 1978, adopted by decision of the Governors and implemented by resolution of the Board of Governors on April 3, 1979, effective April 15, 1979, and as amended from time-to-time, most recently by the decision of the Governors approving the Recommended Decision of the Commission on Nonprofit Regular Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals and Within County Periodicals, Docket No. MC96–2, as implemented by resolution of the Board of Governors adopted on August 5, 1996, effective October 6, 1996. The current DMCS (which is published in part at 39 CFR Part 3001, subpart C, appendix A, and in part as Attachment B to the Decision of the Governors of the United States Postal Service On Recommended Decision of the Postal Rate Commission on Nonprofit Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals, and Within County Periodicals, Docket No. MC96–2 (61 Fed. Reg. 42,464)), is incorporated by reference in this Request.

Proposed additions to text of the classification schedule are underlined; proposed deletions are in brackets. The changes in the DMCS requested by the Postal Service are as follows:

EXPEDITED MAIL CLASSIFICATION SCHEDULE

* * * * *

170 RATES AND FEES

171 Express Mail. The rates for Express Mail are set forth in the following rate schedules:

	Schedule
a. Same Day Airport	121
b. Custom Designed	122
c. Next Day Post Office-to-Post Office	123
d. Second Day Post Office-to-Post Office	123
e. Next Day Post Office-to-Addressee	123
f. Second Day Post Office-to-Addressee	123

172 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Express Mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

* * * * *

FIRST-CLASS MAIL CLASSIFICATION SCHEDULE

* * * * *

220 DESCRIPTION OF SUBCLASSES

221 Letters and Sealed Parcels Subclass

* * * * *

221.5 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Letters and

Sealed Parcels subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

* * * * *

223 Priority Mail

* * * * *

223.8 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Priority Mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

* * * * *

STANDARD MAIL CLASSIFICATION SCHEDULE

* * * * *

320 DESCRIPTION OF SUBCLASSES

321 Subclasses Limited to Mail Weighing Less than 16 Ounces

321.1 Single Piece Subclass

* * * * *

321.15 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Single Piece subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

321.2 Regular Subclass

* * * * *

321.25 Residual Shape Surcharge. Regular subclass mail is subject to a surcharge if it is not letter-, card-, or flat-shaped.

321.26 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Regular subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

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321.3 Enhanced Carrier Route Subclass

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321.37 Residual Shape Surcharge. Enhanced Carrier Route subclass mail is subject to a surcharge if it is not letter-, card-, or flat-shaped.

321.38 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Enhanced Carrier Route subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

321.4 Nonprofit Subclass

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321.45 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Nonprofit subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

321.5 Nonprofit Enhanced Carrier Route Subclass

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321.57 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Nonprofit Enhanced Carrier Route subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

322 Subclasses Limited to Mail Weighing 16 Ounces or More

322.1 Parcel Post Subclass

322.11 Definition. The Parcel Post subclass consists of Standard Mail weighing 16 ounces or more that is not mailed under sections *322.2,* 322.3, 323.1, or 323.2.

[322.12 Basic Rate Category. The basic rate category applies to all Parcel Post subclass mail not mailed under sections 322.13 or 322.14.]

322.12 Description of Rate Categories

322.121 Inter-BMC Rate Category. Inter-BMC Parcel Post rates apply to all Parcel Post not mailed under sections 322.122, 322.123, 322.124, or 322.125.

322.122 Intra-BMC Rate Category. Intra-BMC rates apply to Parcel Post mail originating and destinating within a designated BMC or auxiliary service facility service area, Alaska, Hawaii or Puerto Rico.

322.123 Destination Bulk Mail Center (DBMC) Rate Category. DBMC rates apply to Parcel Post mail prepared as prescribed by the Postal Service in a mailing of at least 50 pieces deposited at a designated destination BMC, auxiliary service facility, or other equivalent facility, as prescribed by the Postal Service.

322.124 Destination Sectional Center Facility (DSCF) Rate Category. DSCF rates apply to Parcel Post mail prepared as prescribed by the Postal Service in a mailing of at least 50 pieces sorted to five digits as prescribed by the Postal Service and entered at a designated destination processing and distribution center or facility, or other equivalent facility, as prescribed by the Postal Service.

322.125 Destination Delivery Unit (DDU) Rate Category. DDU rates apply to Parcel Post mail prepared as prescribed by the Postal Service in a mailing of at least 50 pieces, and deposited at a designated destination delivery unit, or other equivalent facility, as prescribed by the Postal Service.

322.13 [Reserved]

[400.0202 Bulk

Bulk parcel post mail is fourth-class parcel post mail consisting of properly prepared and separated single mailings of at least 300 pieces or 2000 pounds. Pieces weighing less than 15 pounds and measuring over 84 inches in length and girth combined are not mailable as bulk parcel post. Provision for mailing nonidentical pieces is set forth in section 400.046.]

[322.14 Destination BMC Rate Category. Parcel Post subclass mail is eligible for destination BMC rates if it is included in a mailing of at least 50 pieces deposited at the destination BMC, auxiliary service facility, or other equivalent facility, as prescribed by the Postal Service.]

322.14 Bulk Mail Center (BMC) Presort Discounts

322.141 Machinable BMC Presort Discount. The machinable BMC presort discount applies to machinable Inter-BMC Parcel Post mail that is prepared as prescribed by the Postal Service in a mailing of 50 or more pieces, deposited at a facility authorized by the Postal Service, and sorted to destination BMCs, as prescribed by the Postal Service.

322.142 Nonmachinable BMC Presort Discount. The nonmachinable BMC presort discount applies to nonmachinable Inter-BMC Parcel Post mail that is prepared as prescribed by the Postal Service in a mailing of 50 or more pieces, deposited at a facility authorized by the Postal Service, and sorted to destination BMCs, as prescribed by the Postal Service.

322.143 Origin Bulk Mail Center (OBMC) Discount. The Origin BMC Parcel Post discount applies to Inter-BMC Parcel Post mail that is prepared as prescribed by the Postal Service in a

mailing of at least 50 pieces, deposited at the origin BMC, and sorted to destination BMCs, as prescribed by the Postal Service.

[322.15 Intra-BMC Discount. Basic rate category Parcel Post subclass mail is eligible for the intra-BMC discount if it originates and destinates within the same BMC or auxiliary service facility service area, Alaska, Hawaii or Puerto Rico.]

322.15 *Barcoded Discount. The barcoded discount applies to Inter-BMC, Intra-BMC, and DBMC Parcel Post mail that is entered at designated facilities, bears a barcode prescribed by the Postal Service, is prepared as prescribed by the Postal Service in a mailing of at least 50 pieces, and meets all other preparation and machinability requirements of the Postal Service.*

322.16 Oversized Parcel Post

322.161 Excessive Length and Girth. Parcel Post pieces exceeding 108 inches in length and girth combined, but not greater than 130 inches in length and girth combined, are mailable, provided that such pieces constitute no more than 10 percent of the total number of Parcel Post pieces mailed as a part of a single mailing. If mailable, such pieces are subject to the applicable rates for the 70 pound weight increment.

322.162 Balloon Rate. Parcel Post pieces exceeding 84 inches in length and girth combined and weighing less than 15 pounds are subject to a rate equal to that for a 15 pound parcel for the zone to which the parcel is addressed.

322.1[6]*7* Nonmachinable Surcharge. [Basic rate category Parcel Post subclass mail] *Inter-BMC Parcel Post* that does not meet machinability criteria prescribed by the Postal Service is subject to a nonmachinable surcharge.

322.1[7]8 Pickup Service. Pickup service is available for Parcel Post [subclass] mail under terms and conditions prescribed by the Postal Service.

322.19 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Parcel Post mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

322.2 *Bulk Parcel Post*

Bulk parcel post mail is Parcel Post mail consisting of properly prepared and separated single mailings of at least 300 pieces or 2000 pounds. Pieces weighing less than 15 pounds and measuring over 84 inches in length and girth combined are not mailable as bulk parcel post.

322.3 Bound Printed Matter Subclass

322.31 Definition. The Bound Printed Matter subclass consists of Standard Mail weighing at least 16 ounces, but not more than [10]*15* pounds, which:

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322.35 Barcoded Discount. The barcoded discount applies to Single-Piece and Bulk Rate Bound Printed Matter that is entered at designated facilities, bears a barcode prescribed by the Postal Service, is prepared as prescribed by the Postal Service in a mailing of at least 50 pieces, and meets all other preparation and machinability requirements of the Postal Service.

323 Subclasses With No 16-Ounce Limitation

323.1 Special Subclass

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322.15 Barcoded Discount. The barcoded discount applies to Single Piece and Level B Presort Special subclass mail that is entered at designated facilities, bears a barcode prescribed by the Postal Service, is prepared as prescribed by the Postal Service in a mailing of at least 50 pieces, and meets all other preparation and machinability requirements of the Postal Service.

323.2 Library Subclass

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323.23 *Barcoded Discount. The barcoded discount applies to Library subclass mail that is entered at designated facilities, bears a barcode prescribed by the Postal Service, is prepared as prescribed by the Postal Service in a mailing of at least 50 pieces, and meets all other preparation and machinability requirements of the Postal Service.*

323.24 Hazardous Medical Materials and Other Mailable Hazardous Materials Surcharges. Library subclass mail containing hazardous medical materials or other mailable hazardous materials, as defined by the Postal Service, must meet the preparation requirements of the Postal Service and is subject to one or both surcharges.

330 PHYSICAL LIMITATIONS

331 Size

Except as provided in 322.161, Standard Mail may not exceed 108 inches in length and girth combined. Additional size limitations apply to individual Standard Mail subclasses. The maximum size for mail presorted to carrier route in the Enhanced Carrier Route and Nonprofit Enhanced Carrier Route subclasses is 14 inches in length, 11.75 inches in width, and 0.75 inch in thickness. For merchandise samples mailed with detached address cards, the carrier route maximum dimensions apply to the detached address cards and not to the samples.

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350 DEPOSIT AND DELIVERY

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353 Forwarding and Return

353.1 Single Piece, Regular, Enhanced Carrier Route, Nonprofit and Nonprofit Enhanced Carrier Route Subclasses (section 321)

Undeliverable-as-addressed Standard Mail mailed under section 321 will be returned on request of the mailer, or forwarded and returned on request of the mailer. Undeliverable-as-addressed combined First-Class and Standard pieces will be returned as prescribed by the Postal Service. *Except as provided in Schedule SS–21,* [T]*t*he Single Piece Standard rate is charged for each piece receiving return only service. *Except as provided in Schedule SS–22,* [C]charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. *Except as provided in Schedules SS–21 and SS–22,* [T]the charge for those returned pieces is the appropriate Single Piece Standard rate for the piece plus that rate multiplied by a factor equal to the number of section 321 Standard pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

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360 ANCILLARY SERVICES

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362 Single Piece, Parcel Post, Bound Printed Matter, Special, and Library Subclasses

Single Piece, Parcel Post, Bound Printed Matter, Special, and Library subclass mail will receive the following additional services upon payment of the appropriate fees:

Service	Schedule
a. Certificates of mailing	SS–4
b. COD	SS–6
c. Insured mail	SS–9
d. Special delivery	SS–17
e. Special handling	SS–18
f. Return receipt (merchandise only).	SS–16
Merchandise return	SS–20

Service	Schedule
h. Delivery Confirmation (excluding Single-Piece).	PSS–7

Insurance, special delivery, special handling, and COD services may not be used selectively for individual pieces in a multi-piece [Parcel Post subclass] *Standard Mail* mailing unless specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

363 Regular and Nonprofit

Regular and Nonprofit subclass mail will receive the following additional services upon payment of the appropriate fees:

Service	Schedule
a. Bulk Parcel Return Service	SS–21
b. Shipper-Paid Forwarding	SS–22

370 RATES AND FEES

The rates and fees for Standard Mail are set forth as follows:

	Schedule
a. Single Piece subclass	321.1
b. Regular subclass	321.2
c. Enhanced Carrier Route subclass.	321.3
d. Nonprofit subclass	321.4
e. Nonprofit Enhanced Carrier Route subclass.	321.5
f. Parcel Post subclass	
[Basic]*Inter-BMC*	322.1A
Intra-BMC	322.1B
Destination BMC	322.1[B]*C*
Destination SCF	322.1D
Destination Delivery Unit	322.1E
g. Bound Printed Matter subclass	
Single Piece	322.3A
Bulk and Carrier Route	322.3B
h Special subclass	323.1
i. Library subclass	323.2
j. Fees	1000

380 AUTHORIZATIONS AND LICENSES

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383 Parcel Post Subclass

A mailing fee as set forth in Rate Schedule 1000 must be paid once each year by mailers of Destination BMC, *Destination SCF or Destination Delivery Unit* rate category mail in the Parcel Post subclass.

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CLASSIFICATION SCHEDULE SS–4—CERTIFICATE OF MAILING

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4.03 Other Services

4.030 The following services, if applicable to the *sub*class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Parcel airlift	SS–13
b. Special delivery	SS–17
c. Special handling	SS–18
d. Delivery confirmation	SS–7

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CLASSIFICATION SCHEDULE SS–6—COLLECT ON DELIVERY SERVICE

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6.06 Other Services

6.060 The following services, if applicable to the *sub*class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fee:

	Classification schedule
a. Registered mail, if sent as First-Class.	SS–14
b. Restricted delivery	SS–15
c. Special delivery	SS–17
d. Special handling	SS–18
e. Delivery confirmation	SS–7

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CLASSIFICATION SCHEDULE SS–7—DELIVERY CONFIRMATION

7.01 Definition

7.010 Delivery confirmation service provides confirmation to the mailer that an article was delivered or that a delivery attempt was made.

7.02 Description of Service

7.020 Delivery confirmation is available for a fee for Parcel Post, Bound Printed Matter, Special, and Library subclass mail.

7.021 Delivery Confirmation service may be requested at the time of mailing only.

7.022 Mail for which Delivery Confirmation is requested must meet the preparation and barcoding requirements of the Postal Service.

7.023 Matter for which delivery confirmation is requested must be deposited in a manner specified by the Postal Service.

7.03 Fees

7.030 The fees for delivery confirmation service are set forth in Rate Schedule SS–7.

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CLASSIFICATION SCHEDULE SS–9—INSURED MAIL

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9.02 Description of Service

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9.021 *Availability*

9.0210 *Retail* [Insured] *insurance* [mail service] is available for mail sent under the following classification schedules:

a. First-Class Mail, if containing matter which may be mailed as Standard Mail

b. Single Piece, Parcel Post, Bound Printed Matter, Special, and Library [Standard M] *subclass mail.*

9.0211 Bulk insurance service is available for mail entered in bulk at designated facilities and in a manner prescribed by the Postal Service and sent under the following classification schedules:

a. First-Class Mail, if containing matter that may be mailed as Standard Mail,

b. Parcel Post, Bound Printed Matter, Special, and Library subclass mail

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9.023 *Coverage*

9.0230 Retail insurance provides indemnity for the actual value of the article at the time of mailing.

9.0231 Bulk insurance provides indemnity for the lesser of (1) the actual value of the article at the time of mailing, or (2) the wholesale cost of the contents to the sender.

9.024 Accountability and Recordkeeping

9.0240 For retail insurance, the mailer is issued a receipt for each item mailed. For items insured for more than $50, a receipt of delivery is obtained by the Postal Service.

9.0241 For items insured for more than $50, a notice of arrival is left at the mailing address when the first attempt at delivery is unsuccessful.

9.0242 Bulk insurance bears endorsements and identifiers prescribed by the Postal Service. Bulk insurance mailers must meet the documentation requirements of the Postal Service.

9.025 *Claims*

9.0250 For retail insurance, a [A] claim for complete loss may be filed by the mailer only. A claim for damage or for partial loss may be filed by either the mailer or addressee.

9.0251 For bulk insurance, all claims must be filed by the mailer.

[9.026]

9.0252 A claim for damage or loss on a parcel sent merchandise return

(SS–20) may only be filed by the purchaser of the insurance.

[9.027]

9.0253 Indemnity claims for insured mail must be filed within a specified period of time from the date the article was mailed.[9.028 Additional copies of the original mailing receipt may be obtained by the mailer, upon payment of the applicable fee set forth in Rate Schedule SS–9.]

9.03 Deposit of Mail

9.030 *Retail and bulk* Insured mail must be deposited [in a manner] as specified by the Postal Service.

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9.05 Other Services

9.050 The following services, if applicable to the *sub*class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Parcel Airlift	SS–13
b. Restricted delivery (for items insured for more than $50).	SS–15
c. Return receipt (for items insured for more than $50).	SS–16
d. Special delivery	SS–17
e. Special handling	SS–18
f. Merchandising return (shippers only).	SS–20
g. Delivery confirmation	SS–7

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CLASSIFICATION SCHEDULE SS–13—PARCEL AIRLIFT (PAL)

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13.07 Other Services

13.070 The following services, if applicable to the *sub*class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Certificate of mailing	SS–4
b. Insured mail	SS–9
c. Restricted delivery (if insured for more than $[25]50).	SS–15
d. Return receipt (if insured for more than $[25] 50).	SS–16
e. Special delivery (if mailed for delivery within the 48 contiguous states).	SS–17
Special handling	SS–18

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CLASSIFICATION SCHEDULE SS–18—SPECIAL HANDLING

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18.06 Other Services

18.060 The following services, *if applicable to the subclass of mail,* may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. COD mail	SS–6
b. Insured mail	SS–9
c. Parcel airlift	SS–13
Merchandise return (shippers only).	SS–20
e. Delivery confirmation	SS–7

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CLASSIFICATION SCHEDULE SS–21—BULK PARCEL RETURN SERVICE

21.01 Definition

21.010 Bulk Parcel Return Service provides a method whereby high-volume parcel mailers may have undeliverable-as-addressed machinable parcels returned to designated postal facilities for pickup by the mailer at a predetermined frequency prescribed by the Postal Service or delivered by the Postal Service in bulk in a manner and frequency prescribed by the Postal Service.

21.02 Description of Service

21.020 Bulk Parcel Return Service is available only for the return of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

21.03 Requirements of the Mailer

21.030 Mailers must receive authorization from the Postal Service to use Bulk Parcel Return Service.

21.031 To claim eligibility for Bulk Parcel Return Service at each facility through which the mailer requests Bulk Parcel Return Service, the mailer must demonstrate receipt of a prescribed minimum number of returned machinable parcels at a given delivery point in the previous postal fiscal year or must demonstrate a high likelihood of receiving the prescribed minimum number of returned parcels in postal fiscal year for which the service is requested.

21.032 Payment for Bulk Parcel Return Service is made through advance deposit account, or as otherwise specified by the Postal Service.

21.033 Mail for which Bulk Parcel Return Service is requested must bear endorsements prescribed by the Postal Service.

21.034 Bulk Parcel Return Service mailers must meet the documentation and audit requirements of the Postal Service.

21.04 Other Services

21.040 The following services may be purchased in conjunction with Bulk Parcel Return Service:

	Classification schedule
Address Correction Service	SS–1
Certificate of Mailing	SS–4
Shipper-Paid Forwarding	SS–22

21.05 Fee

21.050 The fee for Bulk Parcel Return Service is set forth in Rate Schedule SS–21.

21.06 Authorizations and Licenses

21.060 A permit fee as set forth in Rate Schedule 1000 must be paid once each calendar year by mailers utilizing Bulk Parcel Return Service.

21.061 The Bulk Parcel Return Service permit may be canceled for failure to maintain sufficient funds in an advance deposit account to cover postage and fees on returned parcels or for failure to meet the specifications of the Postal Service.

CLASSIFICATION SCHEDULE SS–22—SHIPPER-PAID FORWARDING

22.01 Definition

22.010 Shipper-Paid Forwarding provides a method whereby mailers may have undeliverable-as-addressed machinable parcels forwarded at Standard Mail Single Piece rates for up to one year from the date that the addressee filed a change-of-address order. If the parcel, for which Shipper-Paid Forwarding is elected, is returned, the mailer will pay the appropriate Standard Mail Single Piece rate, or the Bulk Parcel Return Service fee, if that service was elected.

22.02 Description of Service

22.020 Shipper-Paid Forwarding is available only for the forwarding of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

22.03 Requirements of the Mailer

22.030 Shipper-Paid Forwarding is available only in conjunction with automated Address Correction Service in Schedule SS–1.

22.031 Mail for which Shipper-Paid Forwarding is purchased must meet the

preparation requirements of the Postal Service.

22.032 Payment for Shipper-Paid Forwarding is made through advance deposit account, or as otherwise specified by the Postal Service.

22.033 Mail for which Shipper-Paid Forwarding is requested must bear endorsements prescribed by the Postal Service.

22.04 Other Services

22.040 The following services may be purchased in conjunction with Shipper-Paid Forwarding:

	Classification schedule
a. Certificate of Mailing	SS–4
b. Bulk Parcel Return Service	SS–21

22.05 Applicable Rates

22.050 Except as provided in Schedule SS–21, Standard Mail Single Piece rates, set forth in Rate Schedule 321.1, apply to pieces forwarded or returned in connection with Shipper-Paid Forwarding.

GENERAL DEFINITIONS, TERMS AND CONDITIONS

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2000 Delivery of Mail

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2030 Forwarding and Return

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2033 Applicable Provisions. The provisions of sections 150, 250, 350 and 450 *and schedules SS–21 and SS–22* apply to forwarding and return.

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6000 Mailable Matter

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6030 Maximum Size and Weight Standards

Where applicable, the maximum size and weight standards for each class or *subclass* of mail are set forth in sections 130, 230, *322.16,* 330 and 430. Additional limitations may be applicable to specific subclasses, and rate and discount categories as provided in the eligibility provisions for each subclass or category.

Requested Changes in the Rate and Fee Schedules

In conjunction with the requested changes in the Domestic Mail Classification Schedule (DMCS) set forth in Attachment A, the Postal Service also is requesting that the Commission recommend corresponding changes in the attendant rate and special service fee schedules.

Rate schedules were last amended in part by the decision of the Governors approving the Recommended Decision of the Commission on Nonprofit Regular Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals and Within County Periodicals, Docket No. MC96–2, as implemented by resolution of the Board of Governors adopted on August 5, 1996, effective October 6, 1996. The rate schedules attached to that decision, published at 61 Fed. Reg. 42,464 and the rate and fee schedules published at 39 CFR Part 3001, subpart C, appendix A, and published at 61 Fed. Reg. 10,220, are incorporated by reference in this Request.

Unless otherwise indicated, proposed additions to the text of the schedules are underlined; proposed deletions are in brackets. The requested changes in the rate and fee schedules are as follows:

EXPRESS MAIL RATE SCHEDULES 121, 122, AND 123

[Dollars]

Weight Not Exceeding (Pounds)	Schedule 121 Same Day Airport Service	Schedule 122 Custom Designed	Schedule 123 Next Day Second Day PO to PO	Schedule 123 Next Day and Second Day PO to Addressee

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SCHEDULES 121, 122, AND 123 NOTES

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2. Add [$4.95] *$7.75* for each pickup stop.

3. Add [$4.95] *$7.75* for each Custom Designed delivery stop.

4. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

FIRST-CLASS MAIL RATE SCHEDULE 221 LETTERS and SEALED PARCELS [12]

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SCHEDULE 221 NOTES:

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[12] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

FIRST-CLASS MAIL RATE SCHEDULE 223 PRIORITY MAIL SUBCLASS (in dollars)

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SCHEDULE 223 NOTES:

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2. Add [$4.95]*$7.75* for each pickup stop.

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6. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.1 SINGLE PIECE SUBCLASS [3]

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SCHEDULE 321.1 NOTES:

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[3] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.2A REGULAR SUBCLASS Presort Category 1 [4]

Letter Size

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Non-Letter Size [3]

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SCHEDULE 321.2A NOTES:

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[3] Residual shape surcharge $0.10 per-piece.

[4] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.2B REGULAR SUBCLASS Automation Category 1 [10]

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SCHEDULE 321.2B NOTES

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[10] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.3

Enhanced Carrier Route Subclass 1 [6]

Letter Size

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Non-Letter Size [5]

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SCHEDULE 321.3 NOTES

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[5] Residual Shape Surcharge: $0.10 per piece.

[6] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.4A NONPROFIT SUBCLASS

Presort Categories 1 [3] (Full rates)

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SCHEDULE 321.4A NOTES

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[3] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.4B NONPROFIT SUBCLASS

Automation Categories 1 [10] (Full Rates)

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SCHEDULE 321.4B NOTES

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[10] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 321.5 NONPROFIT ENHANCED CARRIER ROUTE SUBCLASS 1 [5]

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SCHEDULE 321.5 NOTES

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[5] Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

Replace Rate Schedules 322.1A and 322.1B with proposed Rate Schedules 322.1A, 322.1B, 322.1C, 322.1D, and 322.1E.

STANDARD MAIL RATE SCHEDULE 322.1A PARCEL POST SUBCLASS INTER-BMC RATES

[Dollars]

Weight (pounds)	Zones 1 & 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7		Zone 8	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
2	2.95	2.63	2.95	2.79	2.95	2.87	2.95	2.95	2.95	2.95	2.95	2.95	2.95	2.95
3	3.48	2.76	3.61	3.00	3.86	3.34	3.95	3.68	3.95	3.95	3.95	3.95	3.95	3.95
4	3.73	2.87	3.97	3.20	4.31	3.78	4.68	4.68	4.95	4.95	4.95	4.95	4.95	4.95
5	3.86	2.97	4.31	3.38	4.74	4.10	5.19	5.19	5.84	5.56	5.95	5.95	5.95	5.95
6	3.99	3.07	4.62	3.55	5.12	4.39	5.67	5.67	6.90	6.90	7.75	7.75	7.95	7.95
7	4.11	3.16	4.82	3.71	5.48	4.67	6.11	6.11	7.51	7.51	9.15	9.15	9.75	9.75
8	4.24	3.26	5.01	3.85	5.81	4.91	6.53	6.53	8.08	8.08	9.94	9.94	11.55	11.55
9	4.33	3.33	5.19	3.99	6.12	5.16	6.92	6.92	8.62	8.62	10.65	10.65	12.95	12.95
10	4.45	3.42	5.36	4.12	6.40	5.38	7.29	7.29	9.12	9.12	11.31	11.31	14.00	14.00
11	4.54	3.49	5.53	4.25	6.67	5.59	7.63	7.63	9.59	9.59	11.93	11.93	15.05	15.05
12	4.64	3.57	5.68	4.37	6.91	5.79	7.96	7.96	10.03	10.03	12.52	12.52	16.10	16.10
13	4.73	3.64	5.81	4.47	7.16	5.98	8.26	8.26	10.45	10.45	13.07	13.07	17.15	17.15
14	4.82	3.71	5.97	4.59	7.38	6.16	8.55	8.55	10.84	10.84	13.59	13.59	18.20	18.20
15	4.90	3.77	6.10	4.69	7.58	6.34	8.82	8.82	11.22	11.22	14.08	14.08	19.25	19.25
16	4.98	3.83	6.23	4.79	7.78	6.50	9.09	9.09	11.58	11.58	14.55	14.55	20.30	20.30
17	5.07	3.90	6.34	4.88	7.97	6.66	9.33	9.33	11.92	11.92	15.00	15.00	21.35	21.35
18	5.14	3.95	6.46	4.97	8.14	6.81	9.58	9.58	12.24	12.24	15.42	15.42	22.40	22.40
19	5.23	4.02	6.58	5.06	8.31	6.95	9.80	9.80	12.55	12.55	15.83	15.83	23.25	23.25
20	5.29	4.07	6.68	5.14	8.46	7.08	10.01	10.01	12.84	12.84	16.21	16.21	23.84	23.84
21	5.36	4.12	6.80	5.23	8.61	7.21	10.23	10.23	13.12	13.12	16.59	16.59	24.41	24.41
22	5.43	4.18	6.89	5.30	8.75	7.34	10.43	10.43	13.39	13.39	16.94	16.94	24.96	24.96
23	5.50	4.23	7.01	5.39	8.88	7.47	10.62	10.62	13.66	13.66	17.28	17.28	25.47	25.47
24	5.55	4.27	7.10	5.46	9.02	7.58	10.80	10.80	13.90	13.90	17.60	17.60	25.97	25.97
25	5.62	4.32	7.19	5.53	9.14	7.70	10.98	10.98	14.14	14.14	17.91	17.91	26.45	26.45
26	5.68	4.37	7.28	5.60	9.26	7.81	11.15	11.15	14.37	14.37	18.21	18.21	26.91	26.91
27	5.75	4.42	7.37	5.67	9.37	7.91	11.31	11.31	14.59	14.59	18.50	18.50	27.34	27.34
28	5.80	4.46	7.46	5.74	9.48	8.02	11.47	11.47	14.81	14.81	18.78	18.78	27.77	27.77
29	5.86	4.51	7.55	5.81	9.59	8.12	11.63	11.63	15.01	15.01	19.05	19.05	28.17	28.17
30	5.92	4.55	7.63	5.87	9.69	8.21	11.78	11.78	15.20	15.20	19.30	19.30	28.57	28.57
31	5.98	4.60	7.70	5.92	9.78	8.31	11.92	11.92	15.39	15.39	19.55	19.55	28.94	28.94
32	6.03	4.64	7.79	5.99	9.88	8.40	12.06	12.06	15.58	15.58	19.79	19.79	29.30	29.30
33	6.08	4.68	7.87	6.05	9.96	8.49	12.20	12.20	15.76	15.76	20.02	20.02	29.66	29.66
34	6.14	4.72	7.93	6.10	10.05	8.57	12.32	12.32	15.94	15.94	20.24	20.24	30.00	30.00
35	6.19	4.76	8.01	6.16	10.13	8.66	12.45	12.45	16.11	16.11	20.46	20.46	30.33	30.33
36	6.24	4.80	8.07	6.21	10.21	8.75	12.58	12.58	16.27	16.27	20.66	20.66	30.64	30.64
37	6.29	4.84	8.14	6.26	10.29	8.82	12.70	12.70	16.43	16.43	20.87	20.87	30.94	30.94
38	6.34	4.88	8.22	6.32	10.36	8.91	12.81	12.81	16.57	16.57	21.07	21.07	31.24	31.24
39	6.40	4.92	8.28	6.37	10.43	8.98	12.92	12.92	16.72	16.72	21.26	21.26	31.53	31.53
40	6.44	4.95	8.35	6.42	10.51	9.05	13.04	13.04	16.86	16.86	21.44	21.44	31.81	31.81
41	6.50	5.00	8.42	6.48	10.57	9.12	13.14	13.14	17.00	17.00	21.62	21.62	32.07	32.07
42	6.54	5.03	8.48	6.52	10.63	9.19	13.24	13.24	17.14	17.14	21.79	21.79	32.33	32.33
43	6.58	5.06	8.54	6.57	10.70	9.27	13.35	13.35	17.28	17.28	21.96	21.96	32.58	32.58
44	6.63	5.10	8.59	6.61	10.75	9.33	13.44	13.44	17.41	17.41	22.12	22.12	32.83	32.83
45	6.67	5.13	8.66	6.66	10.81	9.40	13.54	13.54	17.52	17.52	22.28	22.28	33.06	33.06
46	6.72	5.17	8.72	6.71	10.88	9.46	13.63	13.63	17.65	17.65	22.44	22.44	33.30	33.30
47	6.77	5.21	8.78	6.75	10.93	9.52	13.72	13.72	17.77	17.77	22.59	22.59	33.52	33.52
48	6.81	5.24	8.84	6.80	10.98	9.59	13.82	13.82	17.88	17.88	22.74	22.74	33.73	33.73
49	6.85	5.27	8.89	6.84	11.04	9.65	13.90	13.90	17.99	17.99	22.88	22.88	33.95	33.95
50	6.89	5.30	8.94	6.88	11.09	9.70	13.99	13.99	18.10	18.10	23.02	23.02	34.15	34.15
51	6.94	5.34	9.00	6.92	11.13	9.77	14.07	14.07	18.20	18.20	23.16	23.16	34.35	34.35
52	6.98	5.37	9.06	6.97	11.19	9.82	14.15	14.15	18.31	18.31	23.29	23.29	34.54	34.54
53	7.02	5.40	9.11	7.01	11.24	9.87	14.23	14.23	18.42	18.42	23.41	23.41	34.74	34.74
54	7.06	5.43	9.17	7.05	11.28	9.93	14.31	14.31	18.51	18.51	23.54	23.54	34.92	34.92
55	7.10	5.46	9.20	7.08	11.33	9.99	14.38	14.38	18.61	18.61	23.66	23.66	35.10	35.10
56	7.15	5.50	9.27	7.13	11.37	10.04	14.45	14.45	18.70	18.70	23.79	23.79	35.27	35.27
57	7.19	5.53	9.32	7.17	11.41	10.09	14.53	14.53	18.80	18.80	23.89	23.89	35.44	35.44
58	7.23	5.56	9.36	7.20	11.45	10.14	14.60	14.60	18.89	18.89	24.01	24.01	35.60	35.60
59	7.27	5.59	9.41	7.24	11.50	10.19	14.67	14.67	18.97	18.97	24.12	24.12	35.76	35.76
60	7.31	5.62	9.46	7.28	11.54	10.25	14.74	14.74	19.07	19.07	24.22	24.22	35.92	35.92
61	7.36	5.66	9.52	7.32	11.58	10.29	14.81	14.81	19.14	19.14	24.33	24.33	36.07	36.07

STANDARD MAIL RATE SCHEDULE 322.1A PARCEL POST SUBCLASS INTER-BMC RATES—Continued

[Dollars]

Weight (pounds)	Zones 1 & 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7		Zone 8	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
62	7.40	5.69	9.56	7.35	11.61	10.34	14.87	14.87	19.23	19.23	24.44	24.44	36.22	36.22
63	7.42	5.71	9.61	7.39	11.65	10.39	14.93	14.93	19.31	19.31	24.53	24.53	36.37	36.37
64	7.46	5.74	9.65	7.42	11.68	10.44	15.00	15.00	19.39	19.39	24.64	24.64	36.50	36.50
65	7.50	5.77	9.70	7.46	11.72	10.48	15.06	15.06	19.46	19.46	24.73	24.73	36.64	36.64
66	7.55	5.81	9.75	7.50	11.75	10.52	15.13	15.13	19.55	19.55	24.82	24.82	36.77	36.77
67	7.59	5.84	9.79	7.53	11.78	10.57	15.18	15.18	19.62	19.62	24.92	24.92	36.91	36.91
68	7.62	5.86	9.83	7.56	11.83	10.62	15.24	15.24	19.68	19.68	25.00	25.00	37.04	37.04
69	7.66	5.89	9.87	7.59	11.86	10.66	15.30	15.30	19.76	19.76	25.10	25.10	37.15	37.15
70	7.70	5.92	9.93	7.64	11.89	10.71	15.35	15.35	19.83	19.83	25.18	25.18	37.28	37.28

SCHEDULE 322.1A NOTES
1. For nonmachinable Inter-BMC parcels, add: $1.25 per-piece.
2. For each pickup stop, add: $7.75.
3. For Origin Bulk Mail Center Discount, deduct $0.49 per-piece.
4. For Machinable BMC Presort, deduct $0.16 per-piece.
5. For Nonmachinable BMC Presort, deduct $0.21 per-piece.
6. For Barcoded Discount, deduct $0.04 per-piece.
7. See 322.16 for oversize parcel post.
8. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

STANDARD MAIL RATE SCHEDULE 322.1B PARCEL POST SUBCLASS INTRA-BMC RATES

[Dollars]

Weight (pounds)	Local		Zones 1 & 2		Zone 3		Zone 4		Zone 5	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
2	$2.22	$2.24	$2.51	$2.31	$2.51	$2.47	$2.55	$2.55	$2.63	$2.63
3	2.30	2.31	2.73	2.44	2.74	2.68	3.02	3.02	3.36	3.36
4	2.37	2.39	2.94	2.55	2.94	2.88	3.46	3.46	4.36	4.36
5	2.45	2.45	3.14	2.65	3.14	3.06	3.78	3.78	4.87	4.87
6	2.51	2.52	3.32	2.75	3.33	3.23	4.07	4.07	5.35	5.35
7	2.57	2.58	3.49	2.84	3.50	3.39	4.35	4.35	5.79	5.79
8	2.63	2.74	3.65	2.94	3.66	3.53	4.59	4.59	6.21	6.21
9	2.69	2.69	3.80	3.01	3.81	3.67	4.84	4.84	6.60	6.60
10	2.75	2.75	3.94	3.10	3.94	3.80	5.06	5.06	6.97	6.97
11	2.80	2.80	4.08	3.17	4.08	3.93	5.27	5.27	7.31	7.31
12	2.85	2.85	4.21	3.25	4.21	4.05	5.47	5.47	7.64	7.64
13	2.90	2.91	4.32	3.32	4.32	4.15	5.66	5.66	7.94	7.94
14	2.95	2.95	4.41	3.39	4.45	4.27	5.84	5.84	8.23	8.23
15	2.99	3.00	4.49	3.45	4.55	4.37	6.02	6.02	8.50	8.50
16	3.04	3.05	4.56	3.51	4.66	4.47	6.18	6.18	8.77	8.77
17	3.09	3.09	4.65	3.58	4.77	4.56	6.34	6.34	9.01	9.01
18	3.13	3.13	4.72	3.63	4.86	4.65	6.49	6.49	9.26	9.26
19	3.17	3.17	4.81	3.70	4.95	4.74	6.63	6.63	9.48	9.48
20	3.21	3.22	4.88	3.75	5.05	4.82	6.76	6.76	9.69	9.69
21	3.25	3.25	4.94	3.80	5.14	4.91	6.89	6.89	9.91	9.91
22	3.29	3.29	5.02	3.86	5.22	4.98	7.02	7.02	10.11	10.11
23	3.33	3.33	5.08	3.91	5.30	5.07	7.15	7.15	10.30	10.30
24	3.37	3.37	5.14	3.95	5.39	5.14	7.26	7.26	10.48	10.48
25	3.42	3.41	5.20	4.00	5.47	5.21	7.38	7.38	10.66	10.66
26	3.45	3.44	5.27	4.05	5.54	5.28	7.49	7.49	10.83	10.83
27	3.49	3.48	5.33	4.10	5.61	5.35	7.59	7.59	10.99	10.99
28	3.52	3.51	5.38	4.14	5.69	5.42	7.70	7.70	11.15	11.15
29	3.56	3.55	5.45	4.19	5.76	5.49	7.80	7.80	11.31	11.31
30	3.59	3.59	5.50	4.23	5.82	5.55	7.89	7.89	11.46	11.46
31	3.63	3.62	5.56	4.28	5.89	5.60	7.99	7.99	11.60	11.60
32	3.66	3.65	5.62	4.32	5.95	5.67	8.08	8.08	11.74	11.74
33	3.69	3.69	5.67	4.36	6.02	5.73	8.17	8.17	11.88	11.88
34	3.74	3.72	5.72	4.40	6.08	5.78	8.25	8.25	12.00	12.00
35	3.77	3.75	5.77	4.44	6.14	5.84	8.34	8.34	12.13	12.13
36	3.80	3.78	5.82	4.48	6.20	5.89	8.43	8.43	12.26	12.26
37	3.83	3.81	5.88	4.52	6.26	5.94	8.50	8.50	12.38	12.38
38	3.86	3.84	5.93	4.56	6.32	6.00	8.59	8.59	12.49	12.49
39	3.90	3.88	5.98	4.60	6.38	6.05	8.66	8.66	12.60	12.60
40	3.93	3.91	6.02	4.63	6.43	6.10	8.73	8.73	12.72	12.72
41	3.96	3.94	6.08	4.68	6.48	6.16	8.80	8.80	12.82	12.82
42	3.99	3.97	6.12	4.71	6.53	6.20	8.87	8.87	12.92	12.92
43	4.02	4.00	6.16	4.74	6.58	6.25	8.95	8.95	13.03	13.03
44	4.06	4.04	6.21	4.78	6.64	6.29	9.01	9.01	13.12	13.12
45	4.09	4.06	6.25	4.81	6.69	6.34	9.08	9.08	13.22	13.22
46	4.12	4.09	6.31	4.85	6.74	6.39	9.14	9.14	13.31	13.31
47	4.15	4.12	6.36	4.89	6.79	6.43	9.20	9.20	13.40	13.40
48	4.17	4.15	6.40	4.92	6.83	6.48	9.27	9.27	13.50	13.50
49	4.20	4.18	6.44	4.95	6.88	6.52	9.33	9.33	13.58	13.58
50	4.23	4.21	6.47	4.98	6.92	6.56	9.38	9.38	13.67	13.67
51	4.26	4.24	6.53	5.02	6.98	6.60	9.45	9.45	13.75	13.75
52	4.29	4.26	6.57	5.05	7.02	6.65	9.50	9.50	13.83	13.83
53	4.32	4.29	6.60	5.08	7.07	6.69	9.55	9.55	13.91	13.91
54	4.34	4.32	6.64	5.11	7.12	6.73	9.61	9.61	13.99	13.99
55	4.38	4.35	6.68	5.14	7.16	6.76	9.67	9.67	14.06	14.06
56	4.41	4.38	6.73	5.18	7.20	6.81	9.72	9.72	14.13	14.13
57	4.44	4.40	6.77	5.21	7.24	6.85	9.77	9.77	14.21	14.21
58	4.46	4.43	6.81	5.24	7.29	6.88	9.82	9.82	14.28	14.28
59	4.49	4.46	6.85	5.27	7.33	6.92	9.87	9.87	14.35	14.35
60	4.52	4.48	6.89	5.30	7.37	6.96	9.93	9.93	14.42	14.42
61	4.55	4.52	6.94	5.34	7.41	7.00	9.97	9.97	14.49	14.49
62	4.57	4.54	6.98	5.37	7.45	7.03	10.02	10.02	14.55	14.55
63	4.60	4.57	7.01	5.39	7.49	7.07	10.07	10.07	14.61	14.61

STANDARD MAIL RATE SCHEDULE 322.1B PARCEL POST SUBCLASS INTRA-BMC RATES—Continued

[Dollars]

Weight (pounds)	Local		Zones 1 & 2		Zone 3		Zone 4		Zone 5	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
64	4.63	4.59	7.05	5.42	7.53	7.10	10.12	10.12	14.68	14.68
65	4.65	4.62	7.09	5.45	7.56	7.14	10.16	10.16	14.74	14.74
66	4.69	4.64	7.14	5.49	7.61	7.18	10.20	10.20	14.81	14.81
67	4.72	4.68	7.18	5.52	7.65	7.21	10.25	10.25	14.86	14.86
68	4.74	4.70	7.20	5.54	7.68	7.24	10.30	10.30	14.92	14.92
69	4.77	4.73	7.24	5.57	7.72	7.27	10.34	10.34	14.98	14.98
70	4.79	4.75	7.28	5.60	7.75	7.32	10.39	10.39	15.03	15.03

SCHEDULE 322.1B NOTES:
1. For Barcoded Discount, deduct $0.04 per-piece.
2. See 322.16 for oversize parcel post.
3. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.
4. For each pickup stop, add $7.75.

STANDARD MAIL RATE SCHEDULE 322.1C PARCEL POST SUBCLASS DESTINATION BMC RATES

Weight (Pounds)	Zones 1 & 2		Zone 3		Zone 4		Zone 5	
	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
2	$1.97	$2.10	$2.25	$2.25	$2.55	$2.30	$2.63	$2.33
3	2.12	2.22	2.61	2.44	3.02	2.74	3.36	3.00
4	2.26	2.33	2.92	2.62	3.46	3.15	4.36	3.94
5	2.40	2.42	3.14	2.79	3.78	3.45	4.87	4.40
6	2.53	2.51	3.33	2.95	4.07	3.71	5.35	4.83
7	2.64	2.60	3.50	3.09	4.35	3.97	5.79	5.22
8	2.76	2.69	3.66	3.22	4.59	4.19	6.21	5.60
9	2.85	2.76	3.81	3.35	4.84	4.42	6.60	5.95
10	2.95	2.84	3.94	3.47	5.06	4.62	6.97	6.29
11	3.04	2.91	4.08	3.59	5.27	4.82	7.31	6.59
12	3.13	2.98	4.21	3.70	5.47	5.00	7.64	6.89
13	3.21	3.05	4.32	3.79	5.66	5.17	7.94	7.16
14	3.28	3.11	4.45	3.91	5.84	5.34	8.23	7.42
15	3.35	3.17	4.55	4.00	6.02	5.51	8.50	7.67
16	3.43	3.23	4.66	4.09	6.18	5.65	8.77	7.91
17	3.50	3.29	4.77	4.18	6.34	5.80	9.01	8.13
18	3.56	3.34	4.86	4.26	6.49	5.94	9.26	8.35
19	3.62	3.41	4.95	4.34	6.63	6.07	9.48	8.55
20	3.68	3.45	5.05	4.42	6.76	6.19	9.69	8.74
21	3.74	3.50	5.14	4.50	6.89	6.31	9.91	8.94
22	3.80	3.56	5.22	4.57	7.02	6.43	10.11	9.12
23	3.85	3.61	5.30	4.65	7.15	6.55	10.30	9.30
24	3.90	3.64	5.39	4.72	7.26	6.65	10.48	9.46
25	3.95	3.69	5.47	4.78	7.38	6.77	10.66	9.62
26	4.00	3.74	5.54	4.85	7.49	6.87	10.83	9.78
27	4.05	3.79	5.61	4.91	7.59	6.96	10.99	9.92
28	4.10	3.83	5.69	4.98	7.70	7.06	11.15	10.07
29	4.14	3.87	5.76	5.05	7.80	7.16	11.31	10.21
30	4.18	3.91	5.82	5.10	7.89	7.24	11.46	10.35
31	4.22	3.96	5.89	5.15	7.99	7.33	11.60	10.48
32	4.26	4.00	5.95	5.22	8.08	7.42	11.74	10.61
33	4.30	4.04	6.02	5.27	8.17	7.50	11.88	10.73
34	4.34	4.08	6.08	5.32	8.25	7.58	12.00	10.84
35	4.39	4.11	6.14	5.38	8.34	7.66	12.13	10.96
36	4.42	4.15	6.20	5.42	8.43	7.75	12.26	11.08
37	4.46	4.19	6.26	5.47	8.50	7.81	12.38	11.19
38	4.50	4.23	6.32	5.53	8.59	7.90	12.49	11.29
39	4.53	4.27	6.38	5.57	8.66	7.96	12.60	11.39
40	4.56	4.30	6.43	5.62	8.73	8.03	12.72	11.50
41	4.60	4.35	6.48	5.68	8.80	8.09	12.82	11.59
42	4.63	4.38	6.53	5.72	8.87	8.16	12.92	11.68
43	4.66	4.40	6.58	5.76	8.95	8.23	13.03	11.79
44	4.70	4.44	6.64	5.80	9.01	8.29	13.12	11.87
45	4.74	4.47	6.69	5.85	9.08	8.36	13.22	11.96
46	4.77	4.51	6.74	5.90	9.14	8.41	13.31	12.04
47	4.80	4.55	6.79	5.94	9.20	8.47	13.40	12.13
48	4.83	4.58	6.83	5.98	9.27	8.53	13.40	12.22
49	4.86	4.61	6.88	6.02	9.33	8.59	13.58	12.29
50	4.89	4.64	6.92	6.06	9.38	8.64	13.67	12.38
51	4.91	4.68	6.98	6.10	9.45	8.70	13.75	12.45
52	4.94	4.71	7.02	6.15	9.50	8.75	13.83	12.52
53	4.97	4.73	7.07	6.19	9.55	8.80	13.91	12.60
54	5.01	4.76	7.12	6.22	9.61	8.86	13.99	12.67
55	5.04	4.79	7.16	6.25	9.67	8.91	14.06	12.74
56	5.06	4.83	7.20	6.30	9.72	8.96	14.13	12.80
57	5.09	4.86	7.24	6.34	9.77	9.01	14.21	12.88
58	5.12	4.89	7.29	6.37	9.82	9.06	14.28	12.94
59	5.14	4.92	7.33	6.41	9.87	9.10	14.35	13.01
60	5.17	4.95	7.37	6.45	9.93	9.16	14.42	13.07
61	5.20	4.99	7.41	6.48	9.97	9.20	14.49	13.14
62	5.22	5.02	7.45	6.51	10.02	9.25	14.55	13.19
63	5.25	5.04	7.49	6.55	10.07	9.29	14.61	13.25
64	5.27	5.07	7.53	6.58	10.12	9.34	14.68	13.31
65	5.30	5.10	7.56	6.62	10.16	9.38	14.74	13.37
66	5.32	5.14	7.61	6.66	10.20	9.42	14.81	13.43
67	5.36	5.17	7.65	6.69	10.25	9.47	14.85	13.48
68	5.38	5.19	7.68	6.72	10.30	9.51	14.88	13.54
69	5.41	5.21	7.72	6.74	10.34	9.55	14.91	13.59
70	5.43	5.24	7.75	6.79	10.39	9.60	14.94	13.64

1. For Barcoded Discount, deduct $0.04 per-piece.

2. See 322.16 for oversize parcel post.
3. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.
4. A fee of $85.00 must be paid each year for DBMC, DSCF, and DDU.

STANDARD MAIL RATE SCHEDULE 322.1D PARCEL POST SUBCLASS DESTINATION SCF RATES

[Dollars]

Weight (pounds)	DSCF
	Proposed
2	$1.53
3	1.61
4	1.69
5	1.77
6	1.84
7	1.90
8	1.97
9	2.02
10	2.08
11	2.13
12	2.19
13	2.24
14	2.28
15	2.32
16	2.38
17	2.42
18	2.46
19	2.50
20	2.54
21	2.58
22	2.62
23	2.66
24	2.69
25	2.73
26	2.76
27	2.80
28	2.84
29	2.87
30	2.90
31	2.92
32	2.96
33	2.99
34	3.02
35	3.06
36	3.08
37	3.11
38	3.15
39	3.17
40	3.19
41	3.23
42	3.25
43	3.28
44	3.31
45	3.35
46	3.37
47	3.40
48	3.42
49	3.45
50	3.47
51	3.49
52	3.52
53	3.54
54	3.58
55	3.61
56	3.63

STANDARD MAIL RATE SCHEDULE 322.1D PARCEL POST SUBCLASS DESTINATION SCF RATES—Continued

[Dollars]

Weight (pounds)	DSCF
	Proposed
57	3.65
58	3.68
59	3.70
60	3.73
61	3.75
62	3.77
63	3.80
64	3.82
65	3.85
66	3.87
67	3.91
68	3.92
69	3.95
70	3.97

SCHEDULE 322.1D NOTES:
1. See 322.16 for oversize parcel post.
2. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.
3. A fee of $85.00 must be paid each year for DBMC, DSCF, and DDU.

STANDARD MAIL RATE SCHEDULE 322.1E PARCEL POST SUBCLASS DESTINATION DELIVERY UNIT RATES

[Dollars]

Weight (pounds)	DDU
	Proposed
2	$1.29
3	1.34
4	1.38
5	1.43
6	1.48
7	1.51
8	1.56
9	1.59
10	1.63
11	1.67
12	1.71
13	1.74
14	1.77
15	1.80
16	1.84
17	1.84
18	1.90
19	1.93
20	1.96
21	1.99
22	2.02
23	2.05
24	2.08

STANDARD MAIL RATE SCHEDULE 322.1E PARCEL POST SUBCLASS DESTINATION DELIVERY UNIT RATES—Continued

[Dollars]

Weight (pounds)	DDU
	Proposed
25	2.10
26	2.13
27	2.16
28	2.20
29	2.22
30	2.24
31	2.27
32	2.29
33	2.32
34	2.34
35	2.38
36	2.40
37	2.43
38	2.46
39	2.48
40	2.50
41	2.53
42	2.55
43	2.57
44	2.61
45	2.64
46	2.66
47	2.68
48	2.71
49	2.73
50	2.76
51	2.77
52	2.80
53	2.82
54	2.86
55	2.88
56	2.90
57	2.93
58	2.95
59	2.97
60	3.00
61	3.02
62	3.04
63	3.07
64	3.09
65	3.11
66	3.13
67	3.17
68	3.19
69	3.22
70	3.23

SCHEDULE 322.1E NOTES:
1. See 322.16 for oversize parcel post.
2. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.
3. A fee of $85.00 must be paid each year for DBMC, DSCF, and DDU.

Amend Rate Schedule 322.3A as follows:

STANDARD MAIL RATE SCHEDULE 322.3A BOUND PRINTED MATTER SUBCLASS SINGLE PIECE RATES[*]

[In dollars]

Weight not over (pounds)	Local	Zone 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1.5	$1.11	$1.49	$1.52	$1.58	$1.66	$1.74	$1.84	$1.93
2.0	1.12	1.52	1.56	1.63	1.74	1.85	1.99	2.10
2.5	1.14	1.55	1.60	1.69	1.82	1.96	2.13	2.28
3.0	1.15	1.57	1.64	1.74	1.90	2.07	2.27	2.45
3.5	1.17	1.60	1.67	1.80	1.98	2.18	2.42	2.62
4.0	1.18	1.63	1.71	1.85	2.07	2.29	2.56	2.79
4.5	1.20	1.65	1.75	1.91	2.15	2.40	2.71	2.97
5.0	1.22	1.68	1.79	1.96	2.23	2.51	2.85	3.14
6.0	1.25	1.73	1.86	2.07	2.39	2.73	3.14	3.49
7.0	1.28	1.79	1.94	2.18	2.56	2.95	3.43	3.83
8.0	1.31	1.84	2.01	2.29	2.72	3.17	3.71	4.18
9.0	1.34	1.90	2.09	2.40	2.89	3.39	4.00	4.52
10.0	1.37	1.95	2.16	2.51	3.05	3.61	4.29	4.87
11.0	1.40	2.00	2.24	2.62	3.21	3.83	4.58	5.22
12.0	1.43	2.06	2.31	2.73	3.38	4.05	4.87	5.56
13.0	1.46	2.11	2.39	2.84	3.54	4.27	5.15	5.91
14.0	1.49	2.17	2.46	2.95	3.71	4.49	5.44	6.25
15.0	1.53	2.22	2.54	3.06	3.87	4.71	5.73	6.60

SCHEDULE 322.3A NOTES

[*] *1.* Includes both catalogs and similar bound printed matter.

2. For Barcoded Discount, deduct $0.04 per-piece.

STANDARD MAIL RATE SCHEDULE 322.3B BOUND PRINTED MATTER SUBCLASS BULK AND CARRIER ROUTE PRESORT RATES[1]

[Dollars]

Zone	Per-piece [3]	Carrier route [2]	Per-pound

* * * * *

SCHEDULE 322.3B NOTES

* * * * *

[3] For Barcoded Discount, deduct $0.04 per-piece

STANDARD MAIL RATE SCHEDULES 323.1 & 323.2 SPECIAL AND LIBRARY RATE SUBCLASSES

Schedule 323.1: Special	Rates (cents)
First Pound Not presorted [4]	
LEVEL A Presort (5-digits)[1 2]	
LEVEL B Presort (BMC)[1 3 4]	
Each additional pound through 7 pounds	
Each additional pound over 7 pounds	

Schedule 323.2: Library	Full rates (cents)
First pound	
Each additional pound through 7 pounds	
Each additional pound over 7 pounds	

SCHEDULE 323.1 NOTES:

* * * * *

[4] *For Barcoded Discount, deduct $0.04 per-piece.*

SCHEDULE 323.2 NOTES:

1. Add $0.50 per-piece for hazardous medical materials and $1.00 per-piece for other mailable hazardous materials.

2. For Barcoded Discount, deduct $0.04 per-piece.

* * * * *

SPECIAL SERVICES

* * * * *

SCHEDULE SS–7

Delivery Confirmation

Per piece	Fee (in addition to postage)
Manual	$0.50
Electronic	$0.25

* * * * *

SCHEDULE SS–9

Insured Mail

Liability	Fee [1] (in addition to postage)
* * * * *	

[1] For Bulk Insurance, deduct $0.40 per piece.

* * * * *

SCHEDULE SS–21

Bulk Parcel Return Service

	Fee
Per Returned Piece	$1.75

SCHEDULE 1000 FEES

* * * * *

	Fee
Parcel Post: Destination BMC, Destination SCF, and Destination Delivery Unit	85.00
* * * * *	
Authorization to Use Bulk Parcel Return Service	85.00

SPECIAL RULES OF PRACTICE

1. Evidence

A. Case-in-chief. A participant's case-in-chief shall be in writing and shall include the participant's direct case and rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by a trial brief or legal memoranda. There will be a stage providing an opportunity to rebut presentations of other participants and for the Postal Service to present surrebuttal evidence.

B. Exhibits. Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains or represents. The title may also contain a

statement of the purpose for which the exhibit is offered; however, this statement will not be considered part of the evidentiary record. Where one part of a multi-part exhibit is based on another part or on another exhibit, appropriate cross-references should be made. Relevant exposition should be included in the exhibits or provided in accompanying testimony.

C. Motions to Strike. Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at least 14 days before the scheduled appearance of the witness. Responses to motions to strike are due within seven days.

D. Designation of Evidence from other Commission Dockets. Participants may request that evidence received in other Commission proceedings be entered into the record of this proceeding. These requests should be made by motion, should explain the purpose of the designation, and should identify material by page and line or paragraph number. Absent extraordinary justification, these requests must be made at least 28 days before the date for filing the participant's direct case. If requests for designations and counter-designations are granted, the moving participant must submit two copies of the approved material to the Secretary of the Commission for inclusion in the record.

Oppositions to motions for designation and/or requests for counter-designations shall be filed within 12 days.

2. Discovery

A. General. Sections 25, 26 and 27 of the rules of practice apply during the discovery stage of this proceeding except when specifically overtaken by these special rules. Questions from each participant should be numbered sequentially, by witness.

The discovery procedures set forth in the rules are not exclusive. Parties are encouraged to engage in informal discovery whenever possible to clarify exhibits and testimony. The results of these efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

In the interest of reducing motion practice, parties also are encouraged to use informal means to clarify questions and to identify portions of discovery requests considered overbroad or burdensome.

B. Objections and Motions to Compel Responses to Discovery. Upon motion of any participant in the proceeding, the Commission or the presiding officer may compel an answer to an interrogatory or request for admissions if the objection is overruled. Motions to compel should be filed within 12 days of an objection to the discovery request.

Parties who have objected to interrogatories or requests for production of documents or items which are the subject of a motion to compel shall have seven days to answer. Answers will be considered supplements to the arguments presented in the initial objection.

C. Answers to Interrogatories. Answers to discovery are to be filed within 12 days of the service of the discovery request. Answers to discovery requests shall be prepared so that they can be incorporated as written cross-examination. Each answer shall begin on a separate page, identify the individual responding, the participant who asked the question, and the number and text of the question.

Participants are expected to serve supplemental answers to update or to correct responses whenever necessary, up until the date that answers are accepted into evidence as written cross-examination. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

Participants may submit responses with a declaration of accuracy from the respondent in lieu of a sworn affidavit.

D. Follow-up Interrogatories. Follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request may be filed after the initial discovery period ends. They must be served within seven days of receipt of the answer to the previous interrogatory unless extraordinary circumstances are shown.

E. Discovery to Obtain Information Available Only from the Postal Service. Sections 25 through 27 of the rules of practice allow discovery reasonably calculated to lead to admissible evidence during a noticed proceeding with no time limitations. Generally, through actions by the presiding officer, discovery against a participant is scheduled to end prior to the receipt into evidence of that participant's direct case. An exception to this procedure shall operate when a participant needs to obtain information (such as operating procedures or data) available only from the Postal Service. Discovery requests of this nature are permissible up to 20 days prior to the filing date for final rebuttal testimony.

3. Service

A. Receipt of Documents. The Service List shall contain the name and address of up to two individuals entitled to receive copies of documents for each participant. If possible that entry will also include a telephone number and facsimile number.

B. Service of Documents. Documents shall be filed with the Commission and served upon parties in accordance with sections 9 through 12 of the Commission's rules of practice. As provided in the Secretary's Notice to Intervenors, issued February 4, 1997, participants capable of submitting documents stored on computer diskettes may use an alternative procedure for filing documents with the Commission. Provided that the stored document is a file generated in either Word Perfect 5.1 or any version of Microsoft Word, and is formatted in Arial 12 font, in lieu of the requirements of section 10 of the rules, a participant may submit a diskette containing the text of each filing simultaneously with the filing of 1 (one) printed original and 3 (three) hard copies.

C. Exceptions to general service requirements for certain documents. Designations of written cross-examination, notices of intent to conduct oral cross-examination, and notices of intent to participate in oral argument need to be served only on the Commission, the OCA, the Postal Service, and the complementary party (as applicable), as well as on participants filing a special request for service.

Discovery requests, objections and answers thereto need to be served on the Commission, the OCA, on the complementary party, and on any other participant so requesting, as provided in sections 25–27 of the rules of practice. Special requests relating to discovery must be served individually upon the party conducting discovery and state the witness who is the subject of the special request.

D. Document titles. Parties should include titles that effectively describe the basic content of any filed documents. Where applicable, titles should identify the issue addressed and the relief requested. Transmittal documents should identify the answers or other materials being provided.

4. Cross-examination

A. Written cross-examination. Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence.

Designations of written cross-examination should be served no later than three working days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the participant who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all answers to be included in the record. (For example, ''OCA-T1–17 to USPS witness Jones, answered by USPS witness Smith (March 1, 1997) as updated (March 21, 1997).'' When a participant designates written cross-examination, two copies of the documents to be included shall simultaneously be submitted to the Secretary of the Commission.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination in a format that facilitates review by the witness and counsel. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials ruled objectionable will be stricken from the record.

B. Oral cross-examination. Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three or more working days before the announced appearance of a witness and should include (1) specific references to the subject matter to be examined and (2) page references to the relevant direct testimony and exhibits.

Participants intending to use complex numerical hypotheticals or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits should be provided to counsel for the witness at least two calendar days (including one working day) before the witness's scheduled appearance.

5. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda. Legal memoranda on matters at issue will be welcome at any stage of the proceeding.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony adverse to the participant conducting the cross-examination.

Library references may be submitted when documentation or materials are too voluminous reasonably to be distributed. Each party should sequentially number items submitted as library references and provide each item with an informative title. Parties are to file and serve a separate Notice of Filing of Library Reference(s). Library material is not evidence unless and until it is designated and sponsored by a witness.

NOTICE TO INTERVENORS

Beginning with MC96–2, the Postal Rate Commission embarked on an effort to experiment with the electronic filing of case-related documents. A substantial number of intervenors participated in the experiment with varying results. Some had transmission problems, some had computer hardware problems, and some had compatibility and corrupt file problems. While the Commission was able to solve or resolve most of these problems, some of them still remain. In addition, the recent overload on the Internet has made e-mail transmissions unreliable. Thus, the Commission has decided that as of today, Tuesday, February 4, 1997, it will suspend the filing of documents by e-mail.

The Commission, however, hopes to continue electronic communication and is studying new technologies in the hope that electronic communication between the Commission and intervenors will become a workable reality in the near future. Pursuant to these efforts, the Commission is adopting as a standard type font Arial 12, which is the most compatible with the Commission's current and future electronic needs.

Therefore, with respect to filings in docketed cases, parties now are advised to proceed as follows:

1. Consistent with past practices, parties choosing hard copy filing should send 1 (one) original and 24 (twenty-four) hard copies of each filing to the Commission's docket room.

2. For those with the capacity to use diskettes, diskettes will continue to be accepted at the Commission so long as the copy is typed in Arial 12 and copied in either Word Perfect 5.1 or any version of Word. If sending a diskette, the party need file only 1 (one) original and 3 (three) hard copies with the Commission. In addition, all material sent by diskette in the required format will be placed on the Commission's Home Page (www.prc.gov).

3. All documents filed by the Commission and the Office of Consumer Advocate will be served in hard copy and be placed on the Commission's Home Page. The Commission's Daily Listing of Documents Received will also be placed on the Home Page. Documents of excessive length will be zipped and downloading instructions will be included with such files.

4. For those having questions about electronic operations, the Commission's computer administrator, Brenda Lamka, can be reached at 202–789–6873.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 97–4986 Filed 2–28–97; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Twenty First Century Health, Inc., Order of Suspension of Trading

February 27, 1997.

On February 10, 1997, the Securities and Exchange Commission (''Commission'') issued an Order pursuant to Section 12(k) of the Securities Exchange Act of 1934 suspending trading in the securities of Twenty First Century Health, Inc. (''TFCH'') for ten days. Since then, TFCH has made several public announcements concerning the Commission's investigation and business developments at the issuer. It appears to the Commission that as a result of those new events and circumstances that there are additional and separate questions concerning the adequacy of publicly disseminated information concerning TFCH, including:

(1) The accuracy and reliability of certain press releases issued by TFCH since the first trading suspension was ordered on February 10, including: (a) the business and current customers of Modern Tea Ball Services, Inc. and a related business that TFCH announced on February 14, 1997 it intended to acquire; (b) the effectiveness and marketability of a new line of liquid colloidal nutritional supplements announced by TFCH on February 13, 1997; (c) the accuracy of TFCH's statements concerning its plans to distribute those supplements; (d) the existence, status and likelihood of success of plans to complete an initial public offering of securities by an affiliated entity that TFCH announced it planned to have underwritten by

Investors Associates, Inc., a New Jersey broker-dealer; and

(2) The accuracy of TFCH's February 12, 1997 pubic announcement that it ''welcomes'' the Commission's inquiry, offers ''full cooperation'' and states that company officials would be able to provide the Commission with the information it requires within nine days, when Joe Davis, who is TFCH's president, Loretta Davis, who was its founder and formerly its president, and Barclay Davis, who formerly was its secretary and director but who continues to act on behalf of TFCH, have all stated through counsel that they refuse to testify in the investigation in reliance on their Fifth Amendment privileges against self-incrimination.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:00 a.m. EST, February 27, 1997, through 11:59 p.m. EST, March 12, 1997.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–5279 Filed 2–27–97; 1:41 pm]

BILLING CODE 8010–01–M

[Release No. 34–38331; File No. SR–BSE–96–10]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Amending the Execution Guarantee Rule and BEACON Rule 5

February 24, 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 December 1, 1996, the Boston Stock Exchange, Incorporated (''BSE'' 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. The Exchange also filed Amendment Nos. 1 and 2 on February 14 and 19, 1997, respectively, the substance of which is incorporated into this notice.[1]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BSE proposes to amend Chapter II, Section 33, the Execution Guarantee Rule (''Execution Guarantee Rule''), and Chapter XXXIII, Section 5, the Boston Exchange Automated Communication Order-Routing Network (''BEACON System'') Rule (''BEACON Rule 5'').

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 Section 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 main purpose of the proposed rule change is to amend certain provisions of the Execution Guarantee Rule and BEACON Rule 5. The Execution Guarantee Rule was adopted to provide customers with primary market price protection on small size orders. The Exchange states that the guarantee was intended to apply to orders ranging in size from 100 shares up to and including 1,299 shares, regardless of the displayed bid or offer size at the time. Orders over 1,299 shares were not intended to receive a partial execution of 1,299 shares, but were to be handled based on prints in the primary market. The proposed rule change is designed to clarify that BSE specialists must guarantee execution on all agency market and marketable limit orders from 100 up to and including 1,299 shares. The current language of the Execution Guarantee Rule indicates that this guarantee applies ''regardless of the size of the order.'' The Exchange is proposing to delete this phrase. The Exchange states that in drafting the original text of the rule, the phrase ''regardless of the size of the order'' was incorrectly stated.

The proposed rule change also eliminates the 2,500 execution guarantee for most actively traded stocks (''MATS'') from the Execution Guarantee Rule. The Exchange believes that market conditions should dictate the appropriate execution size for a customer order in a given trading situation. The Exchange believes that because market conditions do not always provide a 2,500 share liquidity level in the MATS issues, it is appropriate to allow natural liquidity level in the MATS issues, it is appropriate to allow natural liquidity levels to establish price and size parameters on larger orders. In addition, the Exchange notes that it has never received a customer complaint regarding the failure of a specialist to honor the 2,500 share MATS guarantee. The Exchange believes that this is most likely because customers do not expect or receive an execution where market conditions do not so warrant and that because of this the elimination of the MATS requirement from the execution guarantee will have no impact.

The proposed rule change moves rule text covering the obligation for filling limit orders from the Interpretations and Policies section to the body of the Execution Guarantee Rule and labels it as paragraph (c). The proposed rule change also renumbers and clarifies the remaining Interpretations and Policies to the Execution Guarantee Rule. The proposed rule change clarifies proposed Interpretation and Policy .03 of the Execution Guarantee Rule regarding simultaneous orders to limit a specialist's obligation to the accumulated displayed national best bid and offer (''NBBO'') size, where multiple orders are received in a short period of time, particularly in illiquid stocks. The Exchange notes that the original language was adopted prior to electronic order routing and did not anticipate the high volume of today's electronic trading environment.

The proposed rule change limits the scope of proposed Interpretation and Policy .04, which says that size will be governed by the size displayed on the Consolidated Quote System (''CQS''), to limit order executions. The Exchange states that proposed Interpretation and Policy .04 is restricted to limit orders because market orders are already addressed in proposed paragraphs (a) and (b) of the Execution Guarantee Rule.[2] The Exchange proposes two

[1] *See* letters from Karen A. Aluise, Assistant Vice President, BSE, to Michael Walinskas, Senior Special Counsel, Market Regulation, Commission, dated February 10, 1997 (''Amendment No. 1'') and February 13, 1997 (''Amendment No. 2'') respectively.

[2] Proposed paragraph (a) states that specialists will guarantee execution on all agency market and

additional changes to the Execution Guarantee Rule. Proposed Interpretation and Policy .05, regarding adjustments in execution price, has been clarified to include all situations where a market center is experiencing system problems that result in invalid quotations in CQS, not just those quotations that can be demonstrated to be in error. Finally, under proposed Interpretation and Policy .06, specialists can obtain relief from the requirements of the remainder of the Execution Guarantee Rule [3] upon approval from three Floor Officials, rather than the current standard of requiring the approval of two floor members of the Board of Governors or the Market Performance committee. The Exchange notes that Floor Officials include floor members of the Board of Governors. The Exchange states that this change will provide a larger field from which to seek such relief, particularly where absence from the floor and conflict of interest are issues.

BEACON Rule 5 was adopted to specifically address the function of the BEACON System on the trading floor. The automatic execution function in BEACON is designed to aid specialists in the execution of customer orders. The system performs a price check and will automatically execute certain qualifying orders without the intervention of a specialist, except for potential price improvement. The 1,299 share automatic execution parameter in the current BEACON Rule 5 was selected based on the size of the execution guarantee contained in the Execution Guarantee Rule, although higher (2,500 shares) and lower (599 shares) parameters are available in certain situations.

Current BEACON Rule 5 contains three automatic execution parameters (2,500; 1,299; 599), referred to as Tiers I, II, and III. However, the Exchange states that practice has been to only utilize the 1,299 automatic execution parameter of BEACON Rule 5 for automatic execution and the Execution Guarantee Rule to address price and size of execution, manual or automatic. As a result, the proposed rule change to paragraph (a) of BEACON Rule 5 eliminates all references to Tier I, II and III stocks, thus subjecting all the stocks covered by BEACON Rule 5 to the 1,299 automatic execution parameter unless they are specifically exempted under paragraph (b). The proposed rule change to paragraph (b) of BEACON Rule 5 still allows the specialist to request a 599 automatic execution parameter under certain circumstances and takes out all references to Tier I and Tier II stocks. In addition, paragraph (a) still allows specialists to provide automatic execution parameters larger than the 1,299 minimum requirement.

The Exchange has also proposed certain technical changes to BEACON Rule 5. The automatic execution parameters will be published in the BEACON System, but not in hard copy anymore. All references to the word ''guarantee'' will be replaced with ''automatic execution parameters'' or ''parameters'' because hindsight has shown that the use of the word ''guarantee'' in regard to the required automatic execution parameter in BEACON Rule 5 has been confusing. The proposed rule change also amends paragraphs (c) and (d) of BEACON Rule 5 to eliminate all references to the ''BEACON quotation'', which is more closely associated with the specialist's displayed quotation, and replaces them with ''BEACON reference price.''

The proposed rule change, in clarifying current paragraph (c) of BEACON Rule 5, changes the BEACON reference price from the primary market best bid or offer price to the consolidated best bid or offer (''BBO'') price. All market and marketable limit orders will be filled in their entirety, up to the current BEACON Rule 5 automatic execution parameter, regardless of the displayed size of the consolidated BBO. In addition, the proposed rule change to paragraph (c) of BEACON Rule 5 eliminates the last sentence of paragraph (c), which refers to bids and offers superior in price to the BEACON reference price, to reflect the incorporation of these quotations into the BEACON reference price, by changing the reference price from the primary market best bid or offer to the consolidated market best bid or offer.

The Exchange is amending paragraph (d) of BEACON Rule 5 to give specialists discretion to stop orders, which better expresses the intent of the rule. The proposed rule change accomplishes this amendment by replacing ''will be 'stopped' '' with ''should be 'stopped'.'' The proposed rule change eliminates both paragraphs (e) (requiring that ''stopped'' order must be executed by the close of trading) and (f) (stating that principal orders will not be subject to the execution guarantee as defined in this section) of BEACON Rule 5 because the requirements are addressed in separate rules. BEACON Rule 1(a) states that only agency orders will be eligible for automatic execution in the BEACON System.

The Exchange states that this rule change will have no impact on the members or customers of the Exchange, other than to eliminate confusing, conflicting and unnecessary provisions of the Execution Guarantee Rule and BEACON Rule 5. The BEACON System automatic execution parameters and the Execution guarantee Rule execution guarantee will remain unchanged.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act [4] in that it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and national market system, and in general, to protect investors and the public interest, 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 Exchange 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the 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 the 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

marketable limit orders from 100 up to and including 1,299 shares. Proposed paragraph (b) states that, subject to requirements of the short sale rule, all agency market orders must be filled on the basis of the CQS best bid or better on a sell order, or the CQS best offer or better on a buy order.

[3] The Commission notes that the proposed Interpretation and Policy .06 also amends the rule to state that the specialist can now seek relief from the remainder of the entire Execution Guarantee Rule, rather than from just the Interpretations and Policies.

[4] 15 U.S.C. 78f(b)(5).

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 my 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 the Exchange. All submissions should refer to File No. SR–BSE–96–10 and should be submitted by March 24, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–5083 Filed 2–28–97; 8:45 am]

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[Release No. 34–38334; File No. SR–DCC–97–01]

Self-Regulatory Organizations; Delta Clearing Corp.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Amendment of Fees Charges for Repurchase Agreements

February 24, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 5, 1997, Delta Clearing Corp. (''DCC'') 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 DCC. 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 amend DCC's fee schedule for trades of repurchase and reverse repurchase agreement (''repos'') involving U.S. Government Treasury Securities cleared through DCC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DCC 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. DCC 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 amend DCC's fee schedule for the clearance of repos on U.S. Treasury Securities. The new fees will be the greater of either:

A minimum charge per ticket of $9.00 per round turn[3]; or

Term of the trade	Fee
Overnight up to fourteen days in length.	One-half (.50) basis point per million per day on all trades.
Fifteen to thirty-five days in length.	One-third (.33) basis point per million per day on all trades.
Greater than thirty-five days in length.	One-fifth (.20) basis point per million per day on all trades.

The proposed rule change complies with Section 17A(b)(3)(D) of the Act[4] which requires that the rules of a registered clearing agency provide for equitable allocation of reasonable dues, fees, and other charges for services which it provides to its participants. DCC believes the proposed rule change will result in increased utilization of its clearing services thereby resulting in more securities transactions being cleared and settled through a registered clearing agency environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

DCC 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 DCC, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[5] and Rule 19b–4(e)(2) thereunder.[6] 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 DCC. All submissions should refer to the File No. SR–DCC–97–01 and should be submitted by March 24, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–5082 Filed 2–28–97; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] There are no other charges for bank fees,. comparison, federal pass through or money movements.

[4] 15 U.S.C. 78q–1(b)(3)(D).

[5] 15 U.S.C. 78q–1(b)(3)(A).

[6] 17 CFR 240.19b–4(e)(2).

[7] 17 CFR 200.30–3 (a)(12).

[Release No. 34–38323; File No. SR–DTC–97–01]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of a Proposed Rule Change Implementing the Dividend Processing Phase of the Custody Service for Certain Non-depository Eligible Securities

February 21, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 23, 1997, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–97–01) as described in Items I, II, and III below, which items have been prepared primarily by DTC. 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 implement the dividend processing phase of DTC's custody service for certain non-depository eligible securities. The Commission has already approved establishment of the basic custody service and the redemption and reorganization processing phase.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under the proposed rule change, DTC will implement the third phase of its custody service to offer to its participants dividend processing services for certain non-depository eligible securities.[4] In connection with the new service, DTC will announce, collect, and distribute dividend, interest, periodic principal, and other distributions (''dividend payments'') to participants that hold securities through DTC's custody service (''custody issues'').

In order to facilitate the collection of dividends on custody issues and to permit the book-entry movement of securities when a customer wishes to move his account from one participant to another, DTC proposes to register certificates held in its custody service in a second nominee name, DTC & Co., when requested to do so by a participant.[5] DTC believes that such registration is necessary in order to permit DTC, under its nominee name DTC & Co., to collect dividend payments relating to custody issues directly from paying agents.[6] Without such registration, paying agents would disburse individual dividend payments for the custody issues directly to the participant or participants' customer instead of DTC.

DTC believes that registration in its new nominee name will result in efficiencies for participants by enabling DTC to offer dividend collection and disbursement services for custody issues. DTC also believes that nominee name registration will facilitate the book-entry movement of custody issues if a customer wishes to move its position from one participant to another. Furthermore, DTC believes that registration into a second nominee name has the collateral benefit of identifying a security as a deposit that is eligible for only limited DTC custody services and not for full DTC book-entry services.

DTC believes the proposed rule change is consistent with the requirements of Section 17A of the Act[7] and the rules and regulations thereunder because it will promote the prompt and accurate clearance and settlement of securities transactions by reducing the costs and risks associated with the collection and disbursement of dividend payments. Furthermore, DTC believes that the proposed service will reduce processing expenses and labor costs for participants by establishing uniform procedures for clearance and settlement which will increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC 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, in the public interest, and for the protection of investors.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited participant comments on the proposed rule change.

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 DTC 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

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 37314 (July 14, 1996), 61 FR 29158 [File No. SR–DTC–96–08] (order approving a proposed rule change establishing custody service) (''July approval order''). In the July approval order, the Commission required that DTC provide the Commission with at least thirty days advance notice of the implementation of reorganization processing (''Phase II''). The July approval order also required DTC to seek the Commission's reapproval of Phase II if the manner of implementation or operation of Phase II deviated from the plan described in the original filing [File No. SR–DTC–96–08]. DTC has represented to the Commission that the manner of implementation of Phase II does not differ substantially from the plan previously submitted, and therefore, DTC plans to implement Phase II of the custody service on April 1, 1997. Letter from Lori A. Brazer, Assistant Counsel, DTC (February 4, 1997).

[3] The Commission has modified the text of the summaries submitted by DTC.

[4] For a more detailed description of the custody service, refer to the July approval order, *supra* note 2.

[5] In the July approved order, the Commission noted that securities certificates will be held in customer or firm name only and would not be transferred into DTC's nominee name utilized for regular depository eligible securities, Cede & Co. Although the basic custody service and the redemption and reorganization services phases do not require custody issues to be registered in the new DTC nominee name, participants wishing to use the dividend processing feature of the custody service for custody issues must register such custody issues in the new nominee name of DTC & Co.

[6] Letter from Lori A. Brazer, Assistant Counsel, DTC (February 4, 1997).

[7] 15 U.S.C. 78q–1.

Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., 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, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC.

All submissions should refer to the file number SR–DTC–97–01 and should be submitted by March 24, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland

Deputy Secretary.

[FR Doc. 97–5079 Filed 2–28–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38333; File No. SR–DTC–97–02]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Fees and Charges

February 24, 1997.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''), notice is hereby given that on February 3, 1997, The Depository Trust Company (''DTC'') 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 DTC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change establishes fees for DTC's Foreign Tax Withholding Service and Non-Transferable Issue Safekeeping Service and eliminates the fee DTC charges its participants for unnecessary inquiries.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

(1) Foreign Tax Withholding Service Fee

DTC's Foreign Tax Withholding Service allows DTC participants to certify to foreign-issue paying agents for DTC-eligible issues the tax-treaty and, where applicable, the tax exempt withholding rates that they are entitled to based on the tax classes of their customers.[3] DTC's participants make the certification to the foreign-issue paying agents by using the Elective Dividend Service (''EDS'') which is supported by DTC's Participant Terminal System (''PTS''). This procedure eliminates the need for processing more complex and time-consuming reclamations of previously withheld taxes.[4]

According to DTC, it has expended considerable time and incurred significant legal fees to implement the Foreign Tax Withholding Service and continues to devote its resources to monitoring individual distributions to ensure that existing arrangements are processed correctly or to facilitate any special arrangements, if necessary. DTC also states that the processing of withholding certifications on individual distributions sometimes requires DTC's staff to contact the participant to obtain additional information to complete the certifications. Accordingly, the proposed rule change establishes a fee for DTC's Foreign Tax Withholding Service of $7.00 per CUSIP regardless of the number of tax classifications requested by a participant for a single CUSIP. This fee is in addition to the cash or stock dividend fee, as applicable, which is charged on a per credit basis.

(2) Non-Transferable Issue Safekeeping Fee

DTC established the Non-Transferable Issue Safekeeping Service to allow nontransferable securities to be deposited at DTC.[5] The service requires DTC's staff to periodically follow up on each nontransferable security (*i.e.*, generally, at least annually) to determine the issuer's status in its state of incorporation, to determine if the issue is again transferable, and to make the results of these inquiries available to interested participants.

According to DTC, as a result of its absorption of the Midwest Securities Trust Company, the number of nontransferable issues on DTC's books has doubled from roughly 8,000 to more than 16,000. DTC also believes that the ongoing effort and cost to carefully monitor these additional non-transferable issues should be apportioned among those holding positions in these securities. Therefore, the proposed rule change establishes a fee for DTC's Non-Transferable Issue Safekeeping Service of $.17 per CUSIP per month in addition to regular monthly long position charges for these issues.

(3) Elimination of Fees Regarding Unnecessary Dividend, Reorganization and Reconciliation Inquiries

Currently, DTC charges its participants $6.00 when a participant submits certain unnecessary inquiries for processing at DTC's Dividends, Reconciliation, and Reorganization departments. DTC classifies an inquiry as unnecessary if a participant could have obtained the information independently from automated DTC sources readily available to a participant rather than have DTC staff conduct the research. An inquiry with incomplete or inaccurate data from a participant also is considered unnecessary. Because the average daily volume of unnecessary

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[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] For a more detailed description of the Foreign Tax Withholding Service, refer to Securities Exchange Act Release No. 3211 (April 19, 1993), 58 FR 22003 [File No. SR–DTC–92–17] (notice of filing and immediate effectiveness relating to eligibility in the foreign securities option of the existing elective dividends function).

[4] EDS was developed for issues from foreign countries that have tax treaties with the U.S. that permit the withholding of foreign taxes from distributions of foreign issues at different rates for different classes of beneficial owners. EDS enables a DTC participant to use PTS to certify the number of foreign securities credited to the participant's account as of the record date that are entitled to favorable tax treatment at source (*i.e.*, the tax exempt benefit to which the participant is entitled will be included in the payment DTC receives from the foreign payor). Without this service, many DTC participants that are entitled to favorable tax treatment find the procedures for claiming refunds so burdensome that they forgo their refund and thereby frustrate the purpose of the tax treaty.

[5] Securities Exchange Act Release No. 31673 (December 30, 1992), 58 FR 3046 [File No. SR–DTC–92–16] (order approving proposed rule change).

inquiries has declined to less than twenty submissions, DTC proposes to eliminate the fee related to such unnecessary inquiries.

DTC believes the proposed rule change is consistent with the requirements of Section 17A of the Act[6] and the rules and regulations thereunder because DTC's fees will be more equitably allocated among DTC participants. DTC also believes that the proposed rule change will not affect the safeguarding of the securities and funds in DTC's custody or control or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC 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

Written comments from DTC participants have not been solicited or received on 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 Section 19(b)(3)(A)(ii)[7] of the Act and pursuant to Rule 19b–4(e)(2)[8] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by DTC. 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, NW., 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–97–02 and should be submitted by March 24, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–5080 Filed 2–28–97; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(e)(2).

[9] 17 CFR 200.30–3(a)(12).

[Release No. 34–38330; File No. SR–MBSCC–97–01]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Modification of Electronic Pool Notification Fee Schedule

February 24, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 29, 1997, the MBS Clearing Corporation (''MBSCC'') 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 MBSCC. 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 proposed rule change makes technical modifications to the schedule of charges for the Electronic Pool Notification (''EPN'') service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC 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. MBSCC 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 make technical modifications to the schedule of charges for the EPN service. The EPB schedule of charges currently reflects that MBSCC charges its participants access fees for connectivity to the EPN service based on each circuit that they have to MBSCC's MetroTech facility only. However, MBSCC also charges its participants access fees for each circuit that they have to MBSCC's Water Street facility. The proposed rule change modifies the EPN schedule of charges to reflect that MBSCC charges its access fees ''per circuit to MetroTech and Water Street.''

The proposed rule change also makes an additional technical modification to the EPN schedule of charges to delete the reference to an AutoLink Request. AutoLink was a method to request a retransmission of previously transmitted messages. Participants no longer use AutoLink but instead use the Retransmission Request as the method to request a retransmission of previously transmitted messages.

MBSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act[3] and the rules and regulations thereunder because it provides for the equitable allocation of reasonable dues, fees, and other charges among MBSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will impose any burden on competition 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

No written comments have been solicited or received. MBSCC will notify the Commission of any written comments received by MBSCC.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by MBSCC.

[3] 15 U.S.C. 78q–1(b)(3)(D).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[4] and pursuant to Rule 19b–4(e)(2)[5] promulgated thereunder because the proposal changes a due, fee, or other charge imposed by MBSCC. 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 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 MBSCC. All submissions should refer to File No. SR–MBSCC–97–01 and should be submitted by March 24, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–5081 Filed 2–28–97; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(e)(2).

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Oberlin Capital, L.P. (License No. 04/04–0265); Notice of Issuance of a Small Business Investment Company License

On January 11, 1996, an application was filed by Oberlin Capital, L.P., at 702 Oberlin Road, Suite 150, Raleigh, North Carolina 27605, with the Small Business Administration (SBA) pursuant to Section 107.300 of the Regulations governing small business investment companies (13 CFR 107.300 (1996)) for a license to operate as a small business investment company.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 04/04–0265 on December 22, 1996, to Oberlin Capital, L.P. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 21, 1997.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 97–5087 Filed 2–28–97; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends part T of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter TE covers the Deputy Commissioner for Communications. Notice is given that Chapter TE is being amended to reflect a realignment. The Office of Regional Affairs and Special Projects (ORASP) (TEG) is being retitled as the Office of External Affairs (TEG) and functions from the Office of National Affairs (TEE) and ORASP are being merged into the retitled organization. The Office of Editorial Policy and Communications (TEC) is being abolished and its functions are being consolidated with the Office of Communications Technology (TEB) which is being retitled as the Office of Communications Policy and Technology (TEB). Notice is given that direct line authority over the Regional Public Affairs Officers is being transferred from the Office of the Deputy Commissioner, Operations (S2) to the Office of the Deputy Commissioner, Communications, Office of External Affairs (TEG). Notice is further given that the SSA Press Office function is being transferred from the Office of the Commissioner (SA) to the Deputy Commissioner, Communications (TE). The changes are as follows:

Section TE.00 The Office of the Deputy Commissioner, Communications—(Mission)

Amend to read as follows:

The Office of the Deputy Commissioner, Communications (ODCComm) is the SSA component responsible for the conduct of the Agency's national public information/public affairs (PI/PA) programs. Performs SSA Press Office function to ensure a unified and consistent message to SSA's many publics. Provides guidance and direction from a PI/PA standpoint to the development of Agency policies and decisions and assesses their potential impact on SSA's customers, stakeholders and employees. Creates, develops, facilitates, implements, oversees and evaluates all SSA communications and PI/PA activities, both internal and external. Cultivates and maintains effective working relationships with a wide range of national organizations, advocacy groups, other Federal agencies, State and local governments, the White House, and the media. Promotes full and open participation in the communications process between and among SSA's customers and stakeholders at all levels. Coordinates the non-English communications activities within SSA. Additionally, responds to high priority correspondence and public inquiries; maintains an evaluation program that measures efforts to meet the communications needs of SSA's customers, stakeholders and employees; produces PI/PA material designed to provide SSA's various audiences with timely information about Social Security programs, protections, rights and responsibilities and related issues; utilizes state-of-the-art media, methods and technology in product development and dissemination and fully supports headquarters and field employees who are directly or indirectly involved in SSA PI/PA activities nationwide.

Section TE.10 The Office of the Deputy Commissioner, Communications—(Organization)

D. The Office of Communications Technology (TEB).

Delete:

1. The Visual Graphics and Community Affairs Staff (TEB1).

2. The Audiovisual Media Operations Staff (TEB2).

Delete:

E. The Office of Editorial Policy and Communications (TEC).

Retitle:

D. The Office of Communications Technology (TEB) to the Office of Communications Policy and Technology (TEB).

G. The Office of Regional Affairs and Special Projects (TEG) to the Office of External Affairs (TEG).

Reletter:

''H'' to ''E'.

Section TE.20 *The Office of the Deputy Commissioner, Communications*—(Functions)

D. The Office of Communications Technology (TEB).

Delete in their entirety:

1. The Visual Graphics and Community Affairs Staff (TEBl).

2. The Audiovisual Media Operations Staff (TEB2).

Delete in its entirety:

E. The Office of Editorial Policy and Communications (TEC).

Retitle and amend as follows:

D. The Office of Communications Technology (TEB) to the Office of Communications Policy and Technology (TEB). Directs the Agency's overall information and communications technology activities to ensure full public knowledge and understanding of the programs administered by SSA. Formulates SSA's measures, objectives, policies, standards and guidelines for public information programs and related communications technology applications designed to inform the general public of the provisions of the programs administered by SSA. Prepares and disseminates a wide variety of internal and external PI/PA materials ranging from program pamphlets and information packets to broadcast quality video productions. Provides direct and indirect programmatic support through the use of state-of-the-art media, methods and technology. Evaluates the quality of all information materials used within and external to SSA to ensure a uniformly high-quality product and assists in the design, development and delivery of PI/PA training in SSA.

G. The Office of Regional Affairs and Special Projects (TEG) to the Office of External Affairs (TEG). Implements PI/PA programs and activities designed to develop, enhance and preserve good working relationships with the general public and a wide variety of national organizations, advocacy groups and other governmental organizations with an interest in SSA programs. Manages SSA-wide communications initiatives through a national framework of headquarters, regional and local PI/PA delivery strategies and processes. Deals directly with SSA employees and major customer/stakeholder groups promoting a meaningful exchange of ideas, opinions and points of view. Facilitates the ongoing operational dealings between these external organizations and SSA headquarters and field components involved in local PI/PA activities. Provides operational oversight over the activities of the Regional Public Affairs Officers and all other national and local communications and public contact activities.

H. The Office of Public Inquiries (TEH)

1. The Policy, Procedures and Systems Group (TEH1)

Amend last sentence as follows:

Directs the use of surveys and analyses to increase the effectiveness of the correspondence workflow process throughout SSA.

Reletter:

''H'' to ''E'.

Section S2D.20 *The Office of the Regional Commissioner*—(Functions)

C. The Immediate Office of the Regional Commissioner (S2D1–S2DX).

Delete from the second sentence ''and external affairs''

Section SA.20 *The Office of the Commissioner*—(Functions)

C. The Immediate Office of the Commissioner (SA).

Delete from the first sentence ''the Press Office,''

Dated: January 31, 1997.

Shirley S. Chater,

Commissioner of Social Security.

[FR Doc. 97–5142 Filed 2–28–97; 8:45 am]

BILLING CODE 4190–29–P

Privacy Act 1974; Computer Matching Program (Agreement for SSA/Federal Bureau of Prisons (BOP) Match of Prisoner Data, Match #1041)

AGENCY: Social Security Administration.

ACTION: Notice of Computer Matching Program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either facsimile to (410) 966–4337 or writing to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program and Integrity Reviews at the above address.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by establishing the conditions under which computer matching involving the Federal Government could be performed and adding certain protection for individuals applying for or receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protection for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the Data Integrity Boards' approval of the match agreements;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: February 21, 1997.

Shirley S. Chater,

Commissioner of Social Security.

Notice of Computer Matching Program, Federal Bureau of Prisons (BOP) Data Systems With SSA

A. Participating Agencies

SSA and BOP.

B. Purpose of the Matching Program

Section 202(x)(1) of the Social Security Act (the Act), 42 U.S.C. 402(x)(1), prohibits SSA from paying old-age, survivors, and disability insurance benefits to certain confined persons, including certain prisoners under title II of the Act. Section 1611(e)(1)(A) of the Act, 42 U.S.C. 382(e)(1)(A), provides, with some exceptions, that inmates in public institutions are not eligible for payments in the Supplemental Security Income (SSI) program under title XVI of the Act. Sections 205(j)(1)(A), 205(j)(5), 1631(a)(2)(A)(iii) and 1631(a)(2)(E), 42 U.S.C., 405(j)(1)(A), 405(j)(5), 1383(g)(2)(A)(iii) and 1383(a)(2)(E) require SSA to revoke certification for payment of benefits to representative payees under certain circumstances and to investigate and monitor the performance of representative payees. The incarceration or confinement of a representative payee is a circumstance highly relevant to SSA's consideration of an individual's representative payee status under these provisions. The purpose of this matching program is to assist SSA in enforcing all of the above-referenced provisions of the Act.

C. Authority for Conducting the Matching Program

Section 202(x)(1), 202(x)(3), 205(j)(1)(A), 205(j)(5), 1611(e)(1)(A), and 1631(a)(2)(A)(iii) and 1631(a)(2)(E) of the Act.

D. Categories of Records and Individuals Covered by the Match

The Federal Bureau of Prisons will submit names and other identifying information of prisoners from its prisoner data systems. The SSA Master Files of Social Security number (SSN) holders and SSN applications contain the SSNs and identifying information for all SSN holders. The SSA Master Beneficiary Record and Supplemental Security Income Record contains beneficiary and payment information. The Master Representative Payee File contains representative payee information. SSA will match data from these record systems with BOP data as a first step in detecting certain individuals who should not be receiving Social Security or SSI benefits, either for themselves, or on behalf of others.

E. Inclusive Dates of the Match

This matching program shall become effective no sooner than 40 days after notice of the program is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the Federal Register, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 97–5141 Filed 2–28–97; 8:45 am]

BILLING CODE 4190–29–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 97–008]

Agency Information Collection Activities Under OMB Review

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act, the U.S. Coast Guard announces six Information Collection Requests (ICR) for renewal. These ICRs include: 1. Request for Designation and Exemption of Oceanographic Vessels; 2. Incorporation and Adoption of Industry Standards into 33 CFR & 46 CFR Subchapters; 3. Station Bill For Manned Outer Continental Shelf (OCS) Facilities; 4. Merchant Mariner License, Certificate & Document Application; National Driver Register; Criminal Record Review and Five Year Terms of Validity; 5. Self-Inspection of Fixed Outer Continental Shelf (OCS) Facilities; 6. Labeling Requirements in 33 CFR, Parts 181 and 183; 7. Boat Owner's Report, Possible Safety Defect; and 8. Alteration of Obstructive Bridges. Before submitting the ICR packages to the Office of Management and Budget (OMB), the U.S. Coast Guard is soliciting comments on specific aspects of the collections as described below.

DATES: Comments must be received on or before April 2, 1997.

ADDRESSES: Comments may be mailed to Commandant (G–SIL–2), U.S. Coast Guard Headquarters, Room 6106 (Attn: Barbara Davis), 2100 Second St., SW, Washington, DC 20593–0001, or may be hand delivered to the same address between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–2326. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, U.S. Coast Guard, Office of Information Management, telephone (202) 267–2326.

SUPPLEMENTARY INFORMATION:

Request for Comments

The U.S. Coast Guard encourages interested persons to submit written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this Notice and the specific ICR to which each comment applies, and give reasons for each comment. The U.S. Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed post card or envelope.

Interested persons can receive copies of the complete ICR by contacting Ms. Davis where indicated under **ADDRESSES.**

Information Collection Requests

1. *Title:* Request for Designation and Exemption of Oceanographic Vessels.

OMB No. 2115–0053.

Summary: The collection of information requires a written request to the Coast Guard from a master, owner, or agent of an oceanographic research vessel to be exempt from certain requirements governing the shipment, discharge, payment and personal outfitting of merchant seamen.

Need: Title 46 U.S.C. 2113, authorizes the Coast Guard to determine if certain oceanographic research vessels should be exempt from specific regulatory requirements concerning maritime safety and seamen's welfare laws.

Respondents: Owners, operators and agents of oceanographic research vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 10 hours annually.

2. *Title:* Incorporation and Adoption of Industry Standards into 33 CFR & 46 CFR Subchapters.

OMB No. 2115–0525.

Summary: The collection of information requires manufacturers of pressure-vacuum relief valves or safety relief valves to submit to the Coast Guard, drawings and test reports of this equipment.

Need: Under 46 CFR 162.017–162.018, Coast Guard has the authority to approve specific types of safety equipment and materials that are to be installed on commercial vessels to ensure the equipment meets the minimum levels of safety and performance.

Respondents: Manufacturers of pressure-vacuum relief valves and safety relief valves.

Frequency: On occasion.

Burden: The estimated burden is 279 hours annually.

3. *Title:* Station Bill For Manned Outer Continental Shelf (OCS) Facilities.

OMB: 2115–0542.

Summary: The collection of information requires persons in charge of manned OCS facilities to be responsible for preparing and posting station bills, which provide information to all personnel as to their duties, duty station, and signals that should be used in an emergency and during drills.

Need: Under Title 33 U.S.C., Section 146.130, manned OCS facilities are required to have posted in conspicious locations, information and special duties and duty stations of each member in case of an emergency.

Respondents: Persons in charge of manned OCS Facilities.

Frequency: On occasion.

Burden Estimate: The estimated burden is 1,834 hours annually.

4. *Title:* Merchant Mariner License, Certificate & Document Application; National Driver Register; Criminal Record Review and Five Year Terms of Validity.

OMB No. 2115–0514.

Summary: The collection of information requires merchant mariners seeking to obtain or renew their merchant marine credentials to fill out and submit to the Coast Guard several application forms, along with a consent form to have their driving record sent to the Coast Guard to be reviewed for certain driving offenses.

Need: Titles 46 U.S.C. 7101, 7302 and 7109, give Coast Guard the authority to maintain records of all merchant mariner credentials, to review the National Driver Register reports for certain driving offenses of the applicant and to perform a criminal record review of the applicant.

Respondents: Merchant Mariners.

Frequency: On Occasion.

Burden: The estimated burden is 83,328 hours annually.

5. *Title:* Self-Inspection of Fixed Outer Continental Shelf (OCS) Facilities.

OMB No. 2115–0569.

Summary: The collection of information requires an owner or operator of a fixed OCS facility to conduct annual self inspections of the facility using a check-off list and reporting form that has been developed and furnished by the U.S. Coast Guard.

Need: Under 43 U.S.C. 1333(d) and 43 U.S.C. 1348(c), the Coast Guard has the authority to promulgate regulations to provide for scheduled onsite inspection, at least once a year, of each facility on the OCS. The inspection shall include all safety equipment designed to prevent blowouts, fires, spills, or other major accidents.

Respondents: Owners and operators of fixed OCS facilities.

Frequency: Annually.

Burden Estimate: The estimated burden is 9,939 hours annually.

6. *Title:* Labeling Requirements in 33 CFR Parts 181 and 183.

OMB No. 2115–0573.

Summary: The collection of information requires manufacturers and importers of recreational boats to apply for serial numbers from the Coast Guard and to display various labels on these boats.

Need: Under Title 33 CFR, Parts 182 and 183, manufacturer or importers of recreational boats are required to obtain from the Coast Guard, a manufacturer identification code for each boat and must display various labels on these boats which provide safety information to the boating public.

Respondents: Manufacturers and importers of Recreational Boats.

Frequency: Once per boat.

Burden Estimate: The estimated burden is 377,979 hours annually.

7. *Title:* Boat Owner's Report, Possible Safety Defect.

OMB No. 2115–0611.

Summary: The collection of information requires owners of recreational boats or engines who believe their product contains a defect or fails to comply with safety standards, to report the problem by phone, send a written complaint or fill out a Boat Owner's Report form.

Need: Title 46 U.S.C. 4310(f) gives the Coast Guard the authority to require manufacturers of recreational boats and associated equipment to notify owners and to replace or repair their boats and associated equipment which fail to comply with safety standards or are found to contain defects related to safety discovered in their products.

Respondents: Owners and Manufacturers of recreational boats.

Frequency: One Time.

Burden Estimate: The estimated burden is 80 hours annually.

8. *Title:* Alteration of Obstructive Bridges.

OMB No. 2115–0614.

Summary: The collection of information requires a bridge owner, whose bridge has been found to be an unreasonable obstruction to navigation, to prepare and submit to the Coast Guard, general plans and specifications of that bridge.

Need: Under 33 U.S.C. 494, 502, 511, and 513, the Coast Guard is authorized to determine if a bridge is an unreasonable obstruction to navigation and can require the bridge owner to submit information to determine the apportionment of cost between the U.S. and the bridge owner for alteration of that bridge.

Respondents: Bridge Owners.

Frequency: On Occasion.

Burden Estimate: The estimated burden is 40 hours annually.

Dated: February 25, 1997.

J.T. Tozzi,

Rear Admiral, U.S. Coast Guard, Director of Information and Technology.

[FR Doc. 97–5069 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

[CGD 97–013]

Commercial Fishing Industry Vessel Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) will meet to discuss various issues relating to commercial vessel safety in the fishing industry. The meetings are open to the public.

DATES: The meetings of the subcommittees of CFIVAC will be held on Thursday, April 3, 1997, from 8:30 a.m. to 4 p.m. The general CFIVAC meeting will be held on April 4, 1997, from 8:30 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Coast Guard on or before March 31, 1997.

ADDRESSES: The meeting of the Subcommittee on Voluntary Standards for U.S. Uninspected Commercial Fishing Vessels by Utilizing the Application of Prevention Through People (PTP) Principles will be held in room 6103, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The meeting of the Subcommittee on Stability Standards for Commercial Fishing Industry Vessels will held in room 6319 at the same address. The general CFIVAC meeting will be held in room 2415 at the same address. Written material and requests to make oral presentations should be sent to Commander Adan D. Guerrero,

Commandant (G–MSO–2), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Commander Adan D. Guerrero, Executive Director of CFIVAC, or Commander Mark D. Bobal, Assistant to the Executive Director, telephone (202) 267–1181, fax (202) 267–4570.

SUPPLEMENTARY INFORMATION: Notice of these meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of April 3, 1997 Meetings

Subcommittee on Voluntary Standards Utilizing PTP

(1) Review Voluntary Standards of Uninspected Commercial Fishing Vessels found in Navigation and Vessel Inspection Circular (NVIC 5–86) to ascertain which standards should be continued as voluntary in light of the regulations in 46 CFR part 28.

(2) Assist the commercial fishing community by developing voluntary standards which minimize casualties and injuries through application of the principles of PTP.

(3) Review possible methods to develop these voluntary standards.

Subcommittee on Stability Standards

(1) Review existing stability standards for Uninspected Commercial Fishing Vessels less than 79 feet in length.

(2) Review possible stability standards to increase the safe operation of these vessels.

Agenda of April 4, 1997 Meeting

(1) Update on the International Convention of Standards of Training, Certification, and Watchkeeping (STCW) and Standards of Training, Certification, and Watchkeeping for Fishing Vessels (STCW–F).

(2) Review of commercial fishing industry vessel casualty statistics.

Procedural

All meetings are open to the public. Due to new security procedures at Coast Guard Headquarters, visitors should use the Second Street entrance and have a current picture ID to enter the building. At the Chairperson's discretion, members of the public may make oral presentations during the meetings. Persons wishing to make oral presentations at the meetings should notify the Executive Director no later than March 31, 1997. Written material for distribution at a meeting should reach the Coast Guard no later than March 31, 1997. If a person submitting material would like a copy distributed to each member of a subcommittee in advance of a meeting, that person should submit 20 copies to the Executive Director no later than March 24, 1997.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 21, 1997.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 97–5067 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

[CDG 97–012]

Coast Guard, DOT

Notice of Meetings

SUMMARY: The Towing Safety Advisory Committee (TSAC) and its working groups will meet to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. The agenda will include working group reports and discussion of various Coast Guard programs such as Prevention Through People and Coast Guard rulemaking projects. Both meetings are open to the public.

DATES: The TSAC meeting will be held on March 26, 1997, from 8:30 a.m. to 12 p.m. The working group meetings will be held on March 25, 1997, from 9 a.m. to 4 p.m. Written material must be received on or before March 15, 1997.

ADDRESSES: The public meeting on March 26, 1997, will be held in the second floor auditorium, Robert A. Young Federal Building, 1222 Spruce St., St. Louis, MO 63103, and the working sessions on March 25, 1997, will be held in room 2.100 of the same building. Written material and requests to make oral presentations should be submitted to LTJG Patrick J. DeShon, Assistant Executive Director, Commandant (G–MSE–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: LTJG Patrick J. DeShon, Assistant Executive Director, Commandant (G–MSE–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, telephone (202) 267-2997, FAX (202) 267–4816.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 *et seq*. The agenda will include discussion of the following topics:

Work Groups:

(1) Prevention Through People.

(2) Radio Technical Commission for Maritime Services standards for radar requirements.

(3) Fire suppression systems for towing vessels.

(4) Structural soundness and loading practices.

(5) Licensing.

Procedural

Attendance at both meetings is open to the public. With advance notice, and Chair's discretion, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the Assistant Executive Director, listed under **ADDRESSES**, no later than March 14, 1997. Written material may be submitted at any time for the presentation to the Committee. However, to ensure advance distribution to each Committee member, persons submitting written material are asked to provide 25 copies to the Assistant Executive Director no later than March 11, 1997.

Information on Services for the Disabled

For information on facilities or services for the disabled or to request special assistance at the meeting, contact the Assistant Executive Director as soon as possible.

Dated: February 19, 1997.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 97–5068 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

[Summary Notice No. PE–97–11]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions

previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before [March 20, 1997].

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket NO. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMT@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Fred Haynes (202) 267–3939 or Angela Anderson (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part II of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 24, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 24165.

Petitioner: United States Air Force.

Sections of the FAR Affected: 14 CFR 91.209(a) and (b).

Description of Relief Sought/ Disposition: To permit the petitioner to conduct helicopter night-vision flight training operations without lighted aircraft position lights.

GRANT: February 6, 1997, Exemption NO. 5891A.

Docket No.: 28225.

Petitioner: Northwest Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.709(b)(3).

Description of Relief Sought/ Disposition: To permit the petitioner to use electronic recordkeeping and electronic signatures to meet certain maintenance recordkeeping requirements.

GRANT: February 7, 1997, Exemption NO. 6575.

Docket No.: 28664.

Petitioner: Doug Myers.

Sections of the FAR Affected: 14 CFR 91.205(b)(12).

Description of Relief Sought/ Disposition: To permit certain air carriers to operate an aircraft for hire over water and beyond power-off gliding distance from shore without at least one pyrotechnic signaling device on board.

DENIAL: February 11, 1997, Exemption No. 6576.

[FR Doc. 97–5060 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–97–12]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 11, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. 28822, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200) Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Fred Haynes (202) 267–3939 or Angela Anderson (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 25, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28822.

Petitioner: Lynx Air International.

Sections of the FAR Affected: 14 CFR 119.2A.

Description of Relief Sought: To permit the petitioner additional time to complete the transition from a Part 135 Air Carrier to a Part 121 Air Carrier.

[FR Doc. 97–5180 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

Request for Industry Input Meeting on Type Approval of Differential Global Positioning (DGPS) Ground Stations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA requests information and assistance in exploring various methods and criteria for installation, evaluation, flight inspection, and commissioning of commercially developed Special Category I (SCAT–I) ground facilities designed to provide local area augmentation to the Global Position System (GPS) for private use instrument approach and landing procedures. The FAA will host a meeting of interested parties to provide a forum for information exchange that will assist the agency in evaluating the technical merits, efficiency, and cost effectiveness of the alternative methods under consideration. In addition, interested parties are invited to propose other methods or criteria, not identified in this notice but worthy of consideration, that may improve or expedite the installation, evaluation, flight inspection, and commissioning process. The methods identified thus far for consideration by the FAA are:

- Mathematical modeling and predictive analysis

- Bench testing
- Operational testing
- Spurious and harmonic radio frequency emission and sensitivity testing
- Flight testing

In addition to information on these or other testing methods, comments on their relative merit and benefits are welcome.

DATES: The meeting will be held on April 16–17, 1997.

ADDRESSES: The meeting will be held at the Holiday Inn Mountain View hotel, 2020 Menaul Boulevard NE., Albuquerque, New Mexico; telephone (505) 884–2511, fax (505) 881–4806. Those persons staying at the hotel must make reservations not later than March 26, 1997. Reservations should be requested as the ''FAA Conference.''

ATTENDANCE REPLY INSTRUCTIONS: To insure that adequate facilities are available, individuals or organizations that will attend are requested to notify the FAA of their intention to attend. Responses should be telephoned (202–267–9147) or fax (202–267–5509) to: Federal Aviation Administration, Office of the Associate Administrator for Air Traffic Services, Attn: Airway Facilities Advanced Technologies Implementation Staff, AOS–100, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

William Dixon, Airway Facilities Advanced Technologies Implementation Staff, AOS–100, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–9147; fax (202) 267–5509.

SUPPLEMENTARY INFORMATION: The evaluation and approval of DGPS ground facilities is being conducted to support implementation of Special Category I (SCAT–I) approaches. These efforts are based upon the recommendations of RTCA Special Committee 159, as documented in the Minimum Aviation System Performance Standards DGNSS Instrument Approach System: Special Category I (SCAT–I), DO–217, and the guidance provided by FAA Order 8400.11, IFR Approval for Differential Global Positioning System (DGPS) Special Category I Instrument Approaches Using Private Ground Facilities.

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

Stanley Rivers,

Director, Airway Facilities Service.

[FR Doc. 97–5059 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc.; Joint RTCA Special Committee 180 and EUROCAE Working Group 46 Meeting; Design Assurance Guidance for Airborne Electronic Hardware

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a joint RTCA Special Committee 180 and EUROCAE Working Group 46 meeting to be held March 18–20, 1997, starting at 8:30 a.m. on March 18. (On subsequent days, meeting begins at 8:00 a.m.) The meeting will be held at the Civil Aviation Authority, Aviation House, Gatwick, UK.

The agenda will be as follows: (1) Chairman's Introductory Remarks; (2) Review and Approval of Meeting Agenda; (3) Review and Approval of Minutes of Previous Joint Meeting; (4) Leadership Team Meeting Report; (5) Review Action Items; (6) Review Issue Logs; (7) Break into Teams; (8) New Items for Consensus; (9) Other Business; (10) Establish Agenda for Next Meeting; (11) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone) (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 24, 1997.

Janice L. Peters,

Designated Official.

[FR Doc. 97–5058 Filed 2–28–97; 8:45 am]

BILLING CODE 4810–13–M

RTCA, Inc., Special Committee 186; Automatic Dependent Surveillance—Broadcast (ADS–B)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 186 meeting to be held March 17–20, 1997. The Plenary Session will start at 1:00 p.m. on Monday, March 17, and will continue through Wednesday, March 19; Working Group meetings will be held on March 20. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will include: (1) Chairman's Introductory Remarks/ Review of Meeting Agenda; (2) Review and Approval of Minutes of the Previous Meeting; (3) Report of Working Group Activities: a. Working Group 1 Report (Operations Working Group); b. Working Group 2 Report (Technical Working Group); c. Working Group 3 Report (CDTI Working Group); (4) Section 2 Applications Scenarios: Analysis/Simulation Results; (5) Review of Updates to Section 2 of the Draft ADS–B MASPS; (7) Review of Appendix A of the Draft ADS–B MASPS; (8) Other Business; (9) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 25, 1997.

Janice L. Peters,

Designated Official.

[FR Doc. 97–5179 Filed 2–28–97; 8:45 am]

BILLING CODE 4810–13–M

Notice of Intent To Rule on Application (#97–02–C–00–BTM) to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Bert Mooney Airport, Submitted by the Bert Mooney Airport Authority, Butte, Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Butte Mooney Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before April 2, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: David P. Gabbert, Manager; Helena Airports District Office, HLN–ADO; Federal Aviation Administration; FAA Building, Suite 2; 2725 Skyway Drive; Helena, MT, 59601.

In addition, one copy of any comments submitted to the FAA must

be mailed or delivered to Mr. Rick Griffith, Airport Manager, at the following address: Bert Mooney Airport Authority, 101 Airport Road, Butte, Montana 59701.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Bert Mooney Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. David P. Gabbert, (406) 449–5271; Helena Airports District Office, HLN–ADO; Federal Aviation Administration; FAA Building, Suite 2; 2725 Skyway Drive; Helena, MT 59601. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (#97–02–C–00–BTM) to impose and use PFC revenue at Bert Mooney Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 19, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Bert Mooney Airport Authority, Bert Mooney Airport, Butte, Montana, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 21, 1997.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July 1, 1997.

Proposed charge expiration date: September 1, 1998.

Total requested for use approval: $473,088.00.

Brief description of proposed project: Runway 15/33 rehabilitation; Air carrier apron rehabilitation; Taxiway ''A'' rehabilitation.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: On demand, non scheduled Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Bert Mooney Airport.

Issued in Renton, Washington on February 19, 1997.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 97–5062 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Nashville International Airport, Nashville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Nashville International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before April 2, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2851 Directors Cove, Suite #3, Memphis, TN 38131–0301.

IIn addition, one copy of any comments submitted to the FAA must be mailed or delivered to General William G. Moore, Jr., President of the Metropolitan Nashville Airport Authority at the following address: Metropolitan Nashville Airport Authority, One Terminal Drive, Suite 501, Nashville, Tennessee 37214–4114.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Nashville Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Harris, Airport Program Manager, Memphis Airports District Office, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131–0301; telephone number 901–544–3495. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC AT Nashville International Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 20, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Metropolitan Nashville Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 21, 1997.

The following is a brief overview of the application.

PFC application number: 97–04–C–00–BNA.

Level of the proposed PFC: $3.00.

Proposed charge effective date: March 16, 2002.

Proposed charge expiration date: March 1, 2006.

Total estimated PFC revenue: $19,500,000.

Total amount of Use approval requested in this application: $19,500,000.

Brief description of proposed project(s):

Curbside Expansion

Class or classes of air carriers which the public agency has requested not be required to collect PFCs:

Part 135 (Air Taxi) Operators

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Nashville Airport Authority.

Issued in Memphis, Tennessee, on February 20, 1997.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 97–5061 Filed 2–28–97; 8:45 am]

BILLING CODE 4910–13–M

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Oppenheimer Wolff & Donnelly on behalf of Gateway Western Railway Company (WB518—2/19/97), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927–6196.

Vernon A. Williams,

Secretary.

[FR Doc. 97–5150 Filed 2–28–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Financial Management Service

Privacy Act of 1974; System of Records

AGENCY: Financial Management Service, Treasury.

ACTION: Notice of alteration of Privacy Act system of records.

SUMMARY: The Department of the Treasury, Financial Management Service (FMS), gives notice of a proposed alteration to the system of records entitled ''Payment Records for Other than Regular Recurring Benefit Payments—Treasury/FMS .016,'' which is subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a). The system notice was last published in its entirety in the Federal Register Vol. 60, page 47435, September 12, 1995.

DATES: Comments must be received no later than April 2, 1997. The proposed alteration will be effective April 14, 1997, unless FMS receives comments which would result in a contrary determination.

ADDRESS: Comments must be submitted to Debt Management Services, Financial Management Service, 401 14th Street, SW, Room 151, Washington, DC 20227. Comments received will be available for inspection at the same address between the hours of 9 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gerry Isenberg, Debt Management Services, (202) 874–6859.

SUPPLEMENTARY INFORMATION:

The Debt Collection Improvement Act of 1996 (DCIA), Pub. L. 104–134, enacted Apriment of the Treasury (Treasury) with specific legislative authority and responsibility to collect and/or manage the collection of claims owed to the Federal Government. The DCIA authorizes Treasury to collect claims, or facilitate the collection of claims, owed to States, Territories and Commonwealths of the United States, and the District of Columbia by offsetting Federal payments. Executive Order 13019, signed by the President on September 28, 1996, directs Treasury to promptly take steps to facilitate offset of Federal payments to collect delinquent child support debts being enforced by States. FMS is the Treasury bureau responsible for the implementation of the DCIA and the Executive Order.

For the reasons set forth in the preamble, FMS proposes to alter system of records Treasury/FMS .016, ''Payment Records for Other than Regular Recurring Benefit Payments—Treasury/Financial Management Service.'' as follows:

Treasury/FMS .016

SYSTEM NAME:

Payment Records for Other than Regular Recurring Benefit Payments—Treasury/Financial Management Service.

* * * * *

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

* * * * *

Description of changes:

(1) The following is inserted after the semicolon '';'' and before the ''and'' in routine use (11); ''(12) Disclose information to any State, Territory or Commonwealth of the United States, or the District of Columbia to assist in the collection of State, Commonwealth, Territory or District of Columbia claims pursuant to a reciprocal agreement between FMS and the State, Territory, Commonwealth or the District of Columbia; '' ; and

(2) The ''(12)'' following the language inserted above is replaced with ''(13)''.

* * * * *

Dated: February 21, 1997.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

[FR Doc. 97–5116 Filed 2–28–97; 8:45 am]

BILLING CODE: 4810–35–F

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Minority Veterans, Notice of Meeting

The Department of Veterans Affairs (VA), in accordance with Public Law 103–446, gives notice that a meeting of the Health Care Subcommittee of the Advisory Committee on Minority Veterans will be held from Monday, March 10, 1997, to Wednesday, March 12, 1997, in Honolulu, HI. The purpose of the Advisory Committee on Minority Veterans is to advise the Secretary of Veterans Affairs on the administration of VA benefits and services for minority veterans and to assess the needs of minority veterans and evaluate whether VA compensation, medical and rehabilitation services, outreach, and other programs are meeting those needs. The Committee will make recommendations to the Secretary regarding such activities.

The Subcommittee meeting will hold at least two town hall meetings, one in Honolulu and the other on Hilo. In addition, the Subcommittee will hold a hearing where Hawaii State public health officials, VA health care and benefits officials, representatives of veterans organizations, and concerned veterans will testify on the health care needs of veterans residing in the Pacific Islands. Public meetings will be held from 9:00 a.m. to 3:30 p.m. on Monday, March 10, 1997, at the VA Regional Office, located at 300 Ala Moana Blvd., Honolulu, HI. The Committee will conduct a town hall meeting from 7:30 p.m. until 10:00 p.m. at the Pearl City High School which is located at 2100 Hookiekie Blvd., Honolulu, HI. The Subcommittee will travel to Hilo, HI, on Tuesday, March 11, 1997, where they will visit the PTSD Residential Rehabilitation Program, at 891 Ululani St., Hilo, HI, and the Hilo Vet Center, at 120 Keawe St., Suite 200, Hilo, HI. A town hall meeting is scheduled from 1:15 p.m. until 4:00 p.m. at a local high school to be announced. On Wednesday, March 12, 1997, the Subcommittee will meet with VA officials at VA facilities. All sessions will be opened to the public. It will be necessary for those wishing to attend to contact Mr. Lionel K. Parker, Jr., Department of Veterans Affairs, phone (808) 566–1000 or 1–800–827–1000, prior to March 7, 1997. Individuals or groups desiring to present oral testimony should notify Mr. Parker and provide 25 copies of their testimony at least 48 hours prior to the date testifying. The Subcommittee will also accept appropriate written comments from interested parties on issues affecting minority veterans. Such comments should be referred to the Committee at the following address: Advisory Committee on Minority Veterans, Center for Minority Veterans (OOM), U.S. Department of Veterans

Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: February 22, 1997.

By direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 97–5089 Filed 2–28–97; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 62, No. 41
Monday, March 3, 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

Patent and Trademark Office

[Docket No. 970129014-7014-01]

RIN 0651-XX09

Interim Guidelines for the Examination of Claims Directed to Species of Chemical Compositions Based Upon a Single Prior Art Reference

Correction

In notice document 97–3362, beginning on page 6217, in the issue of Tuesday, February 11, 1997, make the following corrections:

1. On page 6217, in the third column, under SUPPLEMENTARY INFORMATION, in the 22nd line, ''Thereof'' should read ''Therefore''.

2. On page 6219, in the first column, under heading no. 4, in the first paragraph, in the sixth line, ''hole'' should read ''whole''.

3. On the same page, in the second column, in the first full paragraph, in the last line, ''subgenus[32]'' should read ''subgenus.[32]''.

4. On page 6221, in the second and third columns, in footnotes 25, 28, 31, 33, 35, 38, 39, and 40, ''Dillion'' should read ''Dillon''.

5. On page 6222, in the first, second, and third columns, in footnotes 49, 50, 53, 54, and 57, ''E.G.'' should read ''E.g.''.

6. On the same page, in footnote 56, the second full paragraph should begin and end with quotation marks.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-253-000]

Northern Border Pipeline Company; Notice of Petition for Limited Waiver of Tariff Provisions

Correction

In notice document 97–4680 appearing on page 8707 in the issue of February 26, 1997, the docket number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP92-236-007]

Williston Basin Interstate Pipeline Company; Notice of Interim Refund

Correction

In notice document 97–4675 appearing on page 8708 in the issue of February 26, 1997, the docket number should read as set forth above.

BILLING CODE 1505-01-D

Monday
March 3, 1997

Part II

Department of Housing and Urban Development

Annual Factors for Determining Public Housing Agency Administrative Fees for the Section 8 Rental Voucher, Rental Certificate and Moderate Rehabilitation Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4156-N–01]

Notice of Annual Factors for Determining Public Housing Agency Administrative Fees for the Section 8 Rental Voucher, Rental Certificate and Moderate Rehabilitation Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This Notice announces the monthly per unit fee amounts for use in determining the on-going administrative fee for public housing agencies and Indian housing authorities (HAs) administering the rental voucher, rental certificate and moderate rehabilitation programs (including Single Room Occupancy and Shelter Plus Care) during Federal Fiscal Year 1997.

EFFECTIVE DATE: HUD will use the procedures in this Notice to approve year-end financial statements for HA fiscal years ending on December 31, 1996; March 31, 1997; June 30, 1997; and September 30, 1997. HAs also may use these procedures to project earned administrative fees in the annual HA budget. The procedures in this Notice apply to that portion of the HA fiscal year that coincides with the Federal Fiscal Year (FY) 1997 (i.e., from October 1, 1996, to September 30, 1997).

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Division, Office of Rental Assistance, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4220, 451 Seventh Street, SW, Washington, DC 20410–8000, telephone number (202) 708–0477. Hearing or speech impaired individuals may call TTY number (202) 708–4594. (These numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and have been assigned OMB control number 2502–0348. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

I. Purpose and Substantive Description

(a) In FY 95 HUD changed the way that HA administrative fees were calculated. These new procedures were published in the **Federal Register** on January 24, 1995 (60 FR 4764). HUD also issued an administrative Notice PIH 96–22, dated April 19, 1996, providing more detailed processing instructions. The system that HUD used to determine administrative fees before FY 95 had three different rates that were applied to the Section 8 existing housing fair market rents. Under the new system implemented in FY 95, HAs were funded for pre-FY 89 funding increments at a rate of 8.2 percent of a ''base amount'' for the initial 600 rental vouchers and rental certificates and 7.79 percent of a ''base amount'' for all rental vouchers and rental certificates above 600. This same system using a ''base amount'' was continued in FY 96.

(b) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (P.L. 104–204, 110 STAT. 2874) changed the method to be used in calculating HA administrative fees. The law establishes a method for calculating HA fees for the rental voucher, certificate, and moderate rehabilitation (including Single Room Occupancy and Shelter Plus Care) programs in FY 97. The law, however, reduced the percentages for FY 97 effective for the period from October 1, 1996 through September 30, 1997 to 7.5 percent of the HUD-determined ''base amount'' for the first 600 units in an HA's rental voucher and rental certificate programs combined, and for the first 600 units in an HA's moderate rehabilitation program, and to 7 percent of the HUD-determined ''base amount'' for each additional unit in these programs over 600. Furthermore, the law provides HUD may provide a decreased fee for HA-owned units. For FY 97, HUD has determined that HAs will earn an administrative fee for HA-owned rental voucher, rental certificate and moderate rehabilitation units based on 3 percent of the ''base amount.''

The law also made changes with respect to preliminary fees and administrative fees. Under the new law HUD may approve preliminary fees of $500 per unit for the initial funding increment for the HA, but only in the first year an HA administers a tenant-based rental voucher or rental certificate program and only for an HA that did not administer a tenant-based rental voucher or certificate program before September 26, 1996. For example, if an HA is currently administering a rental certificate program and it receives its first funding increment under the rental voucher program, the HA is not eligible to receive a preliminary fee. The law does not provide for preliminary fees for the regular moderate rehabilitation program or the moderate rehabilitation single room occupancy program or the moderate rehabilitation shelter plus care program. HUD may also approve additional administrative fees for costs incurred in assisting families who experience difficulty in obtaining appropriate housing and for extraordinary costs.

II. Applicability of HUD Notice PIH 96–22

On April 19, 1996, HUD issued a Notice (PIH 96–22) establishing the procedures for the calculation of on-going administrative fees for the rental voucher and rental certificate programs. The provisions of the HUD Notice PIH 96–22 do not apply for unit months commencing October 1, 1996. Instead, a revised administrative fee HUD Notice will be issued.

III. Method To Determine Per Unit On-Going Administrative Fee

(a) Method

A housing agency is paid an on-going administrative fee for each unit month for which a dwelling unit is covered by a housing assistance payments contract. Under the system for FY 97, the on-going administrative fee is:

- 7.5 percent of a ''base amount'' for the first 600 units in an HA's rental voucher and rental certificate programs combined, and for the first 600 units in an HA's moderate rehabilitation program.
- 7 percent of the ''base amount'' for each additional rental voucher, rental certificate, or moderate rehabilitation unit above the 600-unit threshold.

In FY 95 and FY 96, the ''base amount'' used by HUD was the higher of (a) the FY 1993 fair market rent for a two-bedroom unit in the HA's market area, or (b) the FY 94 fair market rent for a two-bedroom unit, but not more than 103.5 percent of the FY 93 fair market rent. The new law provides that this base amount may be adjusted in FY 97 to reflect changes in wage data or other objectively measurable data that reflect the cost of administering the program in FY 96. Accordingly, the monthly FY 97 per unit fee amounts published in this notice were derived from the new base amounts that have been adjusted to reflect average local government wages as measured by the most recent two years of Bureau of Labor Statistics data from the ES–202 series.

(b) Published Fee Amounts

HUD has attached a schedule of monthly per unit fee amounts for use by HUD and HAs when preparing and approving HA budgets and fiscal year-end financial statements. The tables are organized by the HUD-established fair market rent areas and show the monthly fee amounts an HA will earn for each unit under a housing assistance payments contract on the first day of the applicable month.

(1) Column A

The amount in this column is the monthly per unit fee amount for up to 7,200 unit months (600 units) in Federal FY 97 in an HA's rental voucher and rental certificate programs combined, and for up to 7,200 unit months (600 units) in Federal FY 97 in an HA's moderate rehabilitation program. (This amount was developed by multiplying the fee ''base amount'' by 7.5 percent.) For the HA's rental voucher and rental certificate programs combined, and for the HA's moderate rehabilitation program, the reimbursement is computed by multiplying the number of unit months that were under a housing assistance payments contract during Federal FY 97 by the monthly per unit fee amount in column A (up to a maximum of 7,200 unit months during Federal FY 97). The maximum number of unit months under a housing assistance payments contract in Federal FY 97 during the HA's fiscal year that this revised procedure is first implemented and for which the column A fee amount may be used, depends on the HA fiscal year end:

December 31 HA—1,800 unit months (7,200×.25 [3 months] of FY 97)
March 31 HA—3,600 unit months
June 30 HA—5,400 unit months
September 30 HA—7,200 unit months

(2) Column B

The amount in this column is the monthly per unit fee amount for any unit months in Federal FY 97 in excess of 7,200 unit months (for which a fee was calculated from column A) in the rental voucher and rental certificate programs combined, and in excess of 7,200 unit months in the moderate rehabilitation programs. This amount was developed by multiplying the HUD established fee base amount by 7 percent. For the HA's rental voucher and rental certificate programs combined, and for the HA's moderate rehabilitation program, the reimbursement is computed by multiplying the number of unit months that were under a housing assistance payments contract during Federal FY 97 that exceeds 7,200 unit months by the monthly per unit fee amount in column B). The monthly per unit fee in column B will be multiplied by the number of unit months that rental voucher, rental certificate and moderate rehabilitation units under housing assistance payments contracts during Federal FY 97 exceeds unit months for which a fee is calculated from column A.

(3) Column C

The amount in this column is the monthly per unit fee amount for HA owned units for Federal FY 97 under the rental voucher, rental certificate, or moderate rehabilitation programs. This amount was developed by multiplying a HUD established fee base by 3 percent. The monthly per unit fee amount in column C will be multiplied by the number of unit months that rental voucher, rental certificate, or moderate rehabilitation units owned by the HA are under housing assistance payments contracts during Federal FY 97.

(c) Future Year Publication Date

For subsequent fiscal years, HUD will publish an annual Notice in the **Federal Register** establishing the monthly per unit fee amounts for use in determining the on-going administrative fees for HAs operating the rental voucher, rental certificate and moderate rehabilitation programs in each metropolitan and each non-metropolitan fair market rent area for that Federal fiscal year. The annual change in the per-unit-month fee amounts will be based on changes in wage data or other objectively measurable data, as determined by HUD, that reflect the costs of administering the program.

The amounts shown on the attached schedule do not reflect the authority given to HUD to increase the fee if necessary to reflect extraordinary expenses such as the higher costs of administering small programs and programs operating over large geographic areas or expenses incurred because of difficulties some categories of families are having in finding appropriate housing. HUD will consider HA requests for such increased administrative fees. Furthermore, the amounts shown do not include preliminary fees.

IV. Other Matters

Environmental Finding

This notice is categorically excluded from the requirements of 24 CFR part 50, the HUD regulations which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). [See 24 CFR § 50.19(b)(3).] This notice does not require environmental review because it does not alter physical conditions in a manner or to an extent that would require review under NEPA or the other laws and authorities cited at § 50.4.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this notice will not have substantial direct effects on States or their political subdivisions, or the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the Order. This notice pertains to the determination of administrative fees for HAs administering the rental voucher, rental certificate and moderate rehabilitation programs during Federal Fiscal Year 1997, and does not substantially alter the established roles of the Department, the States, and local governments.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this notice does not have potential for significant impact on family formation, maintenance, and general well-being within the meaning of the Executive Order and, thus, is not subject to review under the Order. This notice pertains to the determination of administrative fees for HAs administering the rental voucher, rental certificate and moderate rehabilitation programs during Federal Fiscal Year 1997, and does not substantially alter the requirements of eligibility for the programs involved.

Accordingly, the Department publishes the monthly per unit fee amounts to be used for determining HA administrative fees under the rental voucher, rental certificate and moderate rehabilitation programs as set forth on the schedule appended to this notice.

Dated: February 21, 1997.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–P

FY 1997 SECTION 8 ADMINISTRATIVE FEES

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
PAGE 1

A L A B A M A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Anniston, AL MSA	34.67	32.36	13.87	Calhoun
Birmingham, AL MSA	35.64	33.27	14.26	Blount, St. Clair, Jefferson, Shelby
Columbus, GA-AL MSA	33.58	31.34	13.43	Russell
Decatur, AL MSA	34.67	32.36	13.87	Morgan, Lawrence
Dothan, AL MSA	34.75	32.43	13.90	Houston, Dale
Florence, AL MSA	34.67	32.36	13.87	Lauderdale, Colbert
Gadsden, AL MSA	34.67	32.36	13.87	Etowah
Huntsville, AL MSA	36.21	33.80	14.49	Limestone, Madison
Mobile, AL MSA	36.20	33.79	14.48	Baldwin, Mobile
Montgomery, AL MSA	34.67	32.36	13.87	Autauga, Montgomery, Elmore
Tuscaloosa, AL MSA	34.96	32.63	13.98	Tuscaloosa

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Barbour	34.67	32.36	13.87	Bullock	34.67	32.36	13.87
Bibb	34.67	32.36	13.87	Dekalb	34.67	32.36	13.87
Dallas	34.67	32.36	13.87	Cullman	34.67	32.36	13.87
Crenshaw	34.67	32.36	13.87	Covington	34.67	32.36	13.87

Coosa.....	34.67	32.36	13.87	Conecuh.....
34.67	32.36	13.87		
Coffee.....	34.67	32.36	13.87	Cleburne.....
34.67	32.36	13.87		
Clay.....	34.67	32.36	13.87	Clarke.....
34.67	32.36	13.87		
Choctaw.....	34.67	32.36	13.87	Chilton.....
34.67	32.36	13.87		
Cherokee.....	34.67	32.36	13.87	Chambers.....
34.67	32.36	13.87		
Butler.....	34.67	32.36	13.87	Winston.....
34.67	32.36	13.87		
Wilcox.....	34.67	32.36	13.87	Washington.....
34.67	32.36	13.87		
Walker.....	34.67	32.36	13.87	Tallapoosa.....
34.67	32.36	13.87		
Talladega.....	34.67	32.36	13.87	Sumter.....
34.67	32.36	13.87		
Randolph.....	34.67	32.36	13.87	Pike.....
34.67	32.36	13.87		
Pickens.....	34.67	32.36	13.87	Perry.....
34.67	32.36	13.87		
Monroe.....	34.67	32.36	13.87	Marshall.....
34.67	32.36	13.87		
Marion.....	34.67	32.36	13.87	Marengo.....
34.67	32.36	13.87		
Macon.....	34.67	32.36	13.87	Lowndes.....
34.67	32.36	13.87		
Lee.....	34.67	32.36	13.87	Lamar.....
34.67	32.36	13.87		
Jackson.....	34.67	32.36	13.87	Henry.....
34.67	32.36	13.87		
Hale.....	34.67	32.36	13.87	Greene.....
34.67	32.36	13.87		
Geneva.....	34.67	32.36	13.87	Franklin.....

	34.67	32.36	13.87					
Fayette.....				34.67	32.36	13.87	Escambia.....	
	34.67	32.36	13.87					

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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A L A S K A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Anchorage, AK MSA	56.93	53.13	22.77	Anchorage

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Bristol Bay	59.28	55.33	23.71	Bethel 61.35 57.26 24.54
Aleutian West	59.28	55.33	23.71	Aleutian East 59.28 55.33 23.71
Yukon-Koyukuk	59.28	55.33	23.71	Wrangell-Petersburg 66.58 62.14 26.63
Wade Hampton	59.28	55.33	23.71	Valdez-Cordova 68.00 63.47 27.20
Southeast Fairbanks	48.80	45.55	19.52	Skagway-Yakutat-Angoon 59.28 55.33 23.71
Sitka	66.58	62.14	26.63	Pr.Wales-Outer Ketchikan 59.28 55.33 23.71
Northwest Arctic	56.32	52.57	22.53	North Slope 61.35 57.26 24.54
Nome	61.35	57.26	24.54	Matanuska-Susitna 50.39 47.04 20.16
Lake & Peninsula	56.32	52.57	22.53	Kodiak Island 68.00 63.47 27.20
Ketchikan Gateway	68.00	63.47	27.20	Kenai Peninsula 54.76 51.11 21.90
Juneau	68.00	63.47	27.20	Haines 59.28 55.33 23.71
Fairbanks North Star	58.28	54.39	23.31	Dillingham 61.35 57.26 24.54

A R I Z O N A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Flagstaff, AZ	44.09	41.15	17.64	Coconino
Las Vegas, NV-AZ MSA	55.08	51.41	22.03	Mohave
Phoenix-Mesa, AZ MSA	40.33	37.63	16.13	Pinal, Maricopa
Tucson, AZ MSA	39.87	37.21	15.95	Pima
Yuma, AZ MSA	44.80	41.81	17.92	Yuma

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Cochise	35.37	33.01	14.15	Apache 34.74 32.42 13.89
La Paz	44.88	41.89	17.95	Greenlee 35.37 33.01 14.15
Graham	35.37	33.01	14.15	Gila 36.00 33.60 14.40
Yavapai	44.09	41.15	17.64	Santa Cruz 36.61 34.17 14.64
Navajo	34.74	32.42	13.89	

A R K A N S A S

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Fayetteville-Springdale-Rogers, AR MSA	33.03	30.83	13.21	Benton, Washington
Fort Smith, AR-OK MSA	33.03	30.83	13.21	Crawford, Sebastian
Jonesboro, AR MSA	33.03	30.83	13.21	Craighead
Little Rock-North Little Rock, AR MSA	36.04	33.64	14.41	Faulkner, Saline, Pulaski, Lonoke
Memphis, TN-AR-MS MSA	37.90	35.38	15.16	Crittenden

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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A R K A N S A S continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Pine Bluff, AR MSA	33.03	30.83	13.21	Jefferson
Texarkana, TX-Texarkana, AR MSA	33.32	31.10	13.33	Miller

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Ashley	33.03	30.83	13.21	Arkansas 33.03 30.83 13.21
Cross	33.03	30.83	13.21	Desha 33.03 30.83 13.21
Dallas	33.03	30.83	13.21	Conway 33.03 30.83 13.21
Columbia	33.03	30.83	13.21	Cleveland 33.03 30.83 13.21
Cleburne	33.03	30.83	13.21	Clay 33.03 30.83 13.21
Clark	33.03	30.83	13.21	Chicot 33.03 30.83 13.21
Carroll	33.03	30.83	13.21	Calhoun 33.03 30.83 13.21
Bradley	33.03	30.83	13.21	Boone 33.03 30.83 13.21
Baxter	33.03	30.83	13.21	Polk 33.03 30.83 13.21
Poinsett	33.03	30.83	13.21	Pike 33.03 30.83 13.21
Phillips	33.03	30.83	13.21	Perry 33.03 30.83 13.21
Ouachita	33.03	30.83	13.21	Newton

	33.03	30.83	13.21		
Nevada	33.03	30.83	13.21	Montgomery	
	33.03	30.83	13.21		
Monroe	33.03	30.83	13.21	Mississippi	
	33.03	30.83	13.21		
Marion	33.03	30.83	13.21	Madison	
	33.03	30.83	13.21		
Logan	33.03	30.83	13.21	Little River	
	33.03	30.83	13.21		
Lincoln	33.03	30.83	13.21	Lee	
	33.03	30.83	13.21		
Lawrence	33.03	30.83	13.21	Lafayette	
	33.03	30.83	13.21		
Johnson	33.03	30.83	13.21	Jackson	
	33.03	30.83	13.21		
Izard	33.03	30.83	13.21	Independence	
	33.03	30.83	13.21		
Howard	33.03	30.83	13.21	Hot Spring	
	33.03	30.83	13.21		
Hempstead	33.03	30.83	13.21	Greene	
	33.03	30.83	13.21		
Grant	33.03	30.83	13.21	Garland	
	33.03	30.83	13.21		
Fulton	33.03	30.83	13.21	Franklin	
	33.03	30.83	13.21		
Drew	33.03	30.83	13.21	Yell	
	33.03	30.83	13.21		
Woodruff	33.03	30.83	13.21	White	
	33.03	30.83	13.21		
Van Buren	33.03	30.83	13.21	Union	
	33.03	30.83	13.21		
Stone	33.03	30.83	13.21	Sharp	
	33.03	30.83	13.21		
Sevier	33.03	30.83	13.21	Searcy	
	33.03	30.83	13.21		
Scott	33.03	30.83	13.21	St. Francis	

33.03	30.83	13.21			
Randolph.....	33.03	30.83	13.21	Prairie.....	
33.03	30.83	13.21			
Pope.....	33.03	30.83	13.21		

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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C A L I F O R N I A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Bakersfield, CA MSA	47.37	44.21	18.95	Kern
Chico-Paradise, CA MSA	41.62	38.85	16.65	Butte
Fresno, CA MSA	43.31	40.42	17.32	Madera, Fresno
Los Angeles-Long Beach, CA PMSA	62.16	58.02	24.86	Los Angeles
Merced, CA MSA	40.70	37.98	16.28	Merced
Modesto, CA MSA	45.61	42.57	18.24	Stanislaus
Oakland, CA PMSA	62.16	58.02	24.86	Alameda, Contra Costa
Orange County, CA PMSA	62.16	58.02	24.86	Orange
Redding, CA MSA	43.31	40.42	17.32	Shasta
Riverside-San Bernardino, CA PMSA	49.59	46.29	19.84	Riverside, San Bernardino
Sacramento, CA PMSA	47.21	44.05	18.88	El Dorado, Sacramento, Placer
Salinas, CA MSA	53.55	49.98	21.42	Monterey
San Diego, CA MSA	55.57	51.87	22.23	San Diego
San Francisco, CA PMSA	62.16	58.02	24.86	San Mateo, San Francisco, Marin
San Jose, CA PMSA	62.16	58.02	24.86	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA PMSA	53.80	50.22	21.52	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	60.69	56.64	24.28	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	62.16	58.02	24.86	Santa Cruz
Santa Rosa, CA PMSA	60.63	56.59	24.25	Sonoma
Stockton-Lodi, CA MSA	45.30	42.28	18.12	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	53.96	50.36	21.59	Napa, Solano
Ventura, CA PMSA	62.16	58.02	24.86	Ventura

Visalia-Tulare-Porterville, CA MSA	40.39	37.70	16.16	Tulare
Yolo, CA PMSA	47.21	44.05	18.88	Yolo
Yuba City, CA MSA	35.72	33.34	14.29	Yuba, Sutter

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Mono	49.19	45.91	19.67	Modoc	39.71	37.06	15.88
Mendocino	46.76	43.64	18.70	Mariposa	47.52	44.36	19.01
Lassen	39.71	37.06	15.88	Lake	43.38	40.49	17.35
Kings	39.09	36.49	15.64	Inyo	47.52	44.36	19.01
Imperial	45.07	42.07	18.03	Humboldt	44.69	41.71	17.88
Glenn	35.95	33.56	14.38	Del Norte	43.38	40.49	17.35
Colusa	35.95	33.56	14.38	Calaveras	47.52	44.36	19.01
Amador	47.52	44.36	19.01	Alpine	47.52	44.36	19.01
Tuolumne	47.52	44.36	19.01	Trinity	43.38	40.49	17.35
Tehama	39.71	37.06	15.88	Siskiyou	39.71	37.06	15.88
Sierra	53.27	49.72	21.31	San Benito	49.19	45.91	19.67
Plumas	39.71	37.06	15.88	Nevada	53.27	49.72	21.31

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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C O L O R A D O

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Boulder-Longmont, CO PMSA	47.82	44.62	19.13	Boulder
Colorado Springs, CO MSA	39.31	36.69	15.73	El Paso
Denver, CO PMSA	42.14	39.33	16.86	Arapahoe, Adams, Jefferson, Douglas, Denver
Fort Collins-Loveland, CO MSA	45.32	42.30	18.13	Larimer
Grand Junction, CO MSA	49.29	46.01	19.72	Mesa
Greeley, CO PMSA	39.08	36.47	15.63	Weld
Pueblo, CO MSA	38.92	36.33	15.57	Pueblo

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Alamosa	39.00	36.40	15.60	Chaffee	43.29	40.40	17.32
Bent	33.39	31.16	13.36	Baca	33.39	31.16	13.36
Archuleta	39.00	36.40	15.60	Dolores	39.00	36.40	15.60
Delta	51.56	48.12	20.62	Custer	43.29	40.40	17.32
Crowley	33.39	31.16	13.36	Costilla	39.00	36.40	15.60
Conejos	39.00	36.40	15.60	Clear Creek	43.29	40.40	17.32
Cheyenne	33.39	31.16	13.36	Saguache	39.00	36.40	15.60
Routt	51.56	48.12	20.62	Rio Grande	39.00	36.40	15.60
Rio Blanco	49.29	46.01	19.72	Prowers			

	33.39	31.16	13.36		
Pitkin	53.36	49.80	21.35	Phillips	
	33.39	31.16	13.36		
Park	43.29	40.40	17.32	Ouray	
	51.56	48.12	20.62		
Otero	33.39	31.16	13.36	Morgan	
	33.39	31.16	13.36		
Montrose	51.56	48.12	20.62	Montezuma	
	39.00	36.40	15.60		
Moffat	49.29	46.01	19.72	Mineral	
	39.00	36.40	15.60		
Logan	33.39	31.16	13.36	Lincoln	
	33.39	31.16	13.36		
Las Animas	39.00	36.40	15.60	La Plata	
	44.22	41.28	17.69		
Lake	43.29	40.40	17.32	Kit Carson	
	33.39	31.16	13.36		
Kiowa	33.39	31.16	13.36	Jackson	
	51.56	48.12	20.62		
Huerfano	39.00	36.40	15.60	Hinsdale	
	51.56	48.12	20.62		
Gunnison	51.56	48.12	20.62	Grand	
	51.56	48.12	20.62		
Gilpin	44.80	41.82	17.92	Garfield	
	49.29	46.01	19.72		
Fremont	43.29	40.40	17.32	Elbert	
	34.55	32.25	13.82		
Eagle	53.36	49.80	21.35	Yuma	
	33.39	31.16	13.36		
Washington	33.39	31.16	13.36	Teller	
	43.53	40.62	17.41		
Summit	51.56	48.12	20.62	Sedgwick	
	33.39	31.16	13.36		
San Miguel	53.36	49.80	21.35	San Juan	
	39.00	36.40	15.60		

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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C O N N E C T I C U T

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Bridgeport, CT PMSA.....	59.30	55.35	23.72	Fairfield county
towns of Bridgeport town, Easton town				Fairfield
town, Monroe town, Shelton town				Stratford
town, Trumbull town				New Haven
county towns of Ansonia town, Beacon Falls town				Derby town,
Milford town, Oxford town, Seymour town				
Danbury, CT PMSA.....	63.56	59.33	25.42	Fairfield county
towns of Bethel town, Brookfield town				Danbury town,
New Fairfield town, Newtown town				Redding town,
Ridgefield town, Sherman town				Litchfield
county towns of Bridgewater town				New Milford
town, Roxbury town, Washington town				
Hartford, CT PMSA.....	55.89	52.15	22.35	Hartford county
towns of Avon town, Berlin town				Bloomfield
town, Bristol town, Burlington town				Canton town,
East Granby town, East Hartford town				East Windsor
town, Enfield town, Farmington town				Glastonbury
town, Granby town, Hartford town				Manchester

town, Marlborough town, New Britain town				
town, Plainville town, Rocky Hill town				Newington
Southington town, South Windsor town				Simsbury town,
West Hartford town, Wethersfield town				Suffield town,
Windsor Locks town				Windsor town,
towns of Andover town, Bolton town				Tolland county
Coventry town, Ellington town				Columbia town,
Mansfield town, Somers town, Stafford town				Hebron town,
Vernon town, Willington town				Tolland town,
county towns of Colchester town, Lebanon town				New London
county towns of Cromwell town, Durham town				Middlesex
town, East Hampton town, Haddam town				East Haddam
town, Middletown town, Portland town				Middlefield
county towns of Barkhamsted town				Litchfield
town, New Hartford town, Plymouth town				Harwinton
town				Winchester
towns of Ashford town, Chaplin town				Windham county
New Haven-Meriden, CT PMSA.....	61.60	57.50	24.64	Windham town Middlesex county
towns of Clinton town, Killingworth town				New Haven
county towns of Bethany town, Branford town				Cheshire town,

East Haven town, Guilford town Madison town, Meriden town, New Haven town tow, North Haven town, Orange town town, West Haven town, Woodbridge town				Hamden town, North Branford Wallingford
New London-Norwich, CT-RI MSA.....	54.86	51.20	21.94	Middlesex county
towns of Old Saybrook town towns of Canterbury town, Plainfield town county towns of Bozrah town, East Lyme town Griswold town, Groton town, Ledyard town Montville town, New London town Stonington t, Norwich town, Old Lyme town Salem town, Sprague town, Stonington town				Windham county New London Franklin town, Lisbon town, North Preston town, Waterford town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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C O N N E C T I C U T continued

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Stamford-Norwalk, CT PMSA	63.56	59.33	25.42	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT MSA	50.29	46.94	20.12	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT	52.49	48.99	21.00	Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES non metropolitan counties	A	B	C	Towns within
Litchfield	52.97	49.44	21.19	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Hartford	49.92	46.59	19.97	Hartland town
Windham	49.14	45.86	19.65	Brooklyn town,

Eastford town, Hampton town
town, Pomfret town, Putnam town, Scotland town
Woodstock town

Tolland	55.49	51.79	22.20	Killingly town, Union town
New London	42.59	39.75	17.04	Sterling town, Lyme town, Voluntown town
Middlesex	59.37	55.42	23.75	Chester town, Deep River town, Essex town, Westbrook town

D E L A W A R E

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Dover, DE MSA	43.89	40.96	17.56	Kent
Wilmington-Newark, DE-MD PMSA	51.55	48.11	20.62	New Castle

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Sussex	43.89	40.96	17.56				

D I S T . O F C O L U M B I A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Washington, DC-MD-VA	63.93	59.67	25.57	District of Columbia

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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F L O R I D A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Daytona Beach, FL MSA	43.77	40.85	17.51	Volusia, Flagler
Fort Lauderdale, FL PMSA	55.48	51.78	22.19	Broward
Fort Myers-Cape Coral, FL MSA	45.91	42.85	18.36	Lee
Fort Pierce-Port Lucie, FL MSA	46.51	43.42	18.61	St. Lucie, Martin
Fort Walton Beach, FL MSA	34.42	32.12	13.77	Okaloosa
Gainesville, FL MSA	39.24	36.62	15.70	Alachua
Jacksonville, FL MSA	41.36	38.60	16.54	St. Johns, Nassau, Duval, Clay
Lakeland-Winter Haven, FL MSA	36.34	33.92	14.53	Polk
Melbourne-Titusville-Palm Bay, FL MSA	42.10	39.30	16.84	Brevard
Miami, FL PMSA	59.25	55.30	23.70	Dade
Naples, FL MSA	47.77	44.58	19.11	Collier
Ocala, FL MSA	35.78	33.40	14.31	Marion
Orlando, FL MSA	45.60	42.56	18.24	Lake, Osceola, Orange, Seminole
Panama City, FL MSA	34.42	32.12	13.77	Bay
Pensacola, FL MSA	35.78	33.40	14.31	Santa Rosa, Escambia
Punta Gorda, FL MSA	44.70	41.72	17.88	Charlotte
Sarasota-Bradenton, FL MSA	47.92	44.73	19.17	Manatee, Sarasota
Tallahassee, FL MSA	38.86	36.27	15.54	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	43.66	40.75	17.46	Hernando, Pasco, Hillsborough, Pinellas
West Palm Beach-Boca Raton, FL MSA	46.27	43.18	18.51	Palm Beach

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Bradford	38.03	35.50	15.21	Baker
34.42	32.12	13.77		
Glades	43.42	40.53	17.37	Gilchrist
34.42	32.12	13.77		
Franklin	34.42	32.12	13.77	Dixie
34.42	32.12	13.77		
Desoto	34.42	32.12	13.77	Columbia
34.42	32.12	13.77		
Citrus	34.42	32.12	13.77	Calhoun
34.42	32.12	13.77		
Putnam	34.42	32.12	13.77	Okeechobee
34.42	32.12	13.77		
Monroe	59.16	55.23	23.67	Madison
34.42	32.12	13.77		
Liberty	34.42	32.12	13.77	Levy
34.42	32.12	13.77		
Lafayette	34.42	32.12	13.77	Jefferson
34.42	32.12	13.77		
Jackson	34.42	32.12	13.77	Indian River
46.35	43.26	18.54		
Holmes	34.42	32.12	13.77	Highlands
34.42	32.12	13.77		
Hendry	43.42	40.53	17.37	Hardee
34.42	32.12	13.77		
Hamilton	34.42	32.12	13.77	Gulf
34.42	32.12	13.77		
Washington	34.42	32.12	13.77	Walton
34.42	32.12	13.77		
Wakulla	34.42	32.12	13.77	Union
34.42	32.12	13.77		
Taylor	34.42	32.12	13.77	Suwannee
34.42	32.12	13.77		
Sumter	34.42	32.12	13.77	

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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G E O R G I A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Albany, GA MSA	33.58	31.34	13.43	Dougherty, Lee
Athens, GA MSA	34.42	32.14	13.77	Clarke, Oconee, Madison
Atlanta, GA	46.21	43.12	18.48	Clayton, Cherokee, Bartow, Barrow, Rockdale, Spalding Paulding, Newton, Henry, Gwinnett, Fulton, Forsyth Fayette, Douglas, Dekalb, Coweta, Cobb
Augusta-Aiken, GA-SC MSA	34.42	32.14	13.77	Columbia, Richmond, Mcduffie
Carroll County, GA	33.58	31.34	13.43	Carroll
Chattanooga, TN-GA MSA	37.74	35.22	15.10	Catoosa, Walker, Dade
Columbus, GA-AL MSA	33.58	31.34	13.43	Muscogee, Harris, Chattahoochee
Macon, GA MSA	34.13	31.85	13.65	Bibb, Twiggs, Peach, Jones, Houston
Pickens County, GA	33.58	31.34	13.43	Pickens
Savannah, GA MSA	35.07	32.74	14.03	Bryan, Effingham, Chatham
Walton County, GA	45.50	42.47	18.20	Walton

NONMETROPOLITAN COUNTIES	A	B	C
Appling	33.58	31.34	13.43
Atkinson	33.58	31.34	13.43
Bacon	33.58	31.34	13.43
Ben Hill	33.58	31.34	13.43

Banks.....	33.58	31.34	13.43	Baldwin.....	33.58	31.34	13.43
Baker.....	33.58	31.34	13.43	Calhoun.....	33.58	31.34	13.43
Butts.....	45.50	42.47	18.20	Burke.....	33.58	31.34	13.43
Bulloch.....	33.58	31.34	13.43	Brooks.....	33.58	31.34	13.43
Brantley.....	33.58	31.34	13.43	Bleckley.....	33.58	31.34	13.43
Berrien.....	33.58	31.34	13.43	Hancock.....	33.58	31.34	13.43
Hall.....	37.11	34.64	14.84	Habersham.....	33.58	31.34	13.43
Greene.....	33.58	31.34	13.43	Grady.....	33.58	31.34	13.43
Gordon.....	33.58	31.34	13.43	Glynn.....	33.58	31.34	13.43
Glascock.....	33.58	31.34	13.43	Gilmer.....	33.58	31.34	13.43
Franklin.....	33.58	31.34	13.43	Floyd.....	33.58	31.34	13.43
Fannin.....	33.58	31.34	13.43	Evans.....	33.58	31.34	13.43
Emanuel.....	33.58	31.34	13.43	Elbert.....	33.58	31.34	13.43
Echols.....	33.58	31.34	13.43	Early.....	33.58	31.34	13.43
Dooly.....	33.58	31.34	13.43	Dodge.....	33.58	31.34	13.43
Decatur.....	33.58	31.34	13.43	Dawson.....	33.58	31.34	13.43
Crisp.....	33.58	31.34	13.43	Crawford.....	33.58	31.34	13.43
Cook.....	33.58	31.34	13.43	Colquitt.....	33.58	31.34	13.43

Coffee.....	33.58	31.34	13.43	Clinch.....	33.58	31.34	13.43
Clay.....	33.58	31.34	13.43	Chattooga.....	33.58	31.34	13.43
Charlton.....	33.58	31.34	13.43	Candler.....	33.58	31.34	13.43
Camden.....	33.58	31.34	13.43	Worth.....	33.58	31.34	13.43
Wilkinson.....	33.58	31.34	13.43	Wilkes.....	33.58	31.34	13.43
Wilcox.....	33.58	31.34	13.43	Whitfield.....	33.58	31.34	13.43

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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G E O R G I A continued

NONMETROPOLITAN COUNTIES	A	B	C
White	33.58	31.34	13.43
Webster	33.58	31.34	13.43
Washington	33.58	31.34	13.43
Ware	33.58	31.34	13.43
Union	33.58	31.34	13.43
Troup	33.58	31.34	13.43
Towns	33.58	31.34	13.43
Tift	33.58	31.34	13.43
Terrell	33.58	31.34	13.43
Taylor	33.58	31.34	13.43
Taliaferro	33.58	31.34	13.43
Sumter	33.58	31.34	13.43
Stephens	33.58	31.34	13.43
Screven	33.58	31.34	13.43
Randolph	33.58	31.34	13.43

NONMETROPOLITAN COUNTIES	A	B	C
Wheeler	33.58	31.34	13.43
Wayne	33.58	31.34	13.43
Warren	33.58	31.34	13.43
Upson	33.58	31.34	13.43
Turner	33.58	31.34	13.43
Treutlen	33.58	31.34	13.43
Toombs	33.58	31.34	13.43
Thomas	33.58	31.34	13.43
Telfair	33.58	31.34	13.43
Tattnall	33.58	31.34	13.43
Talbot	33.58	31.34	13.43
Stewart	33.58	31.34	13.43
Seminole	33.58	31.34	13.43
Schley	33.58	31.34	13.43
Rabun	33.58	31.34	13.43

33.58	31.34	13.43			
Quitman.....			33.58	31.34	13.43
33.58	31.34	13.43			
Pulaski.....			33.58	31.34	13.43
33.58	31.34	13.43			
Pike.....			33.58	31.34	13.43
33.58	31.34	13.43			
Oglethorpe.....			33.58	31.34	13.43
33.58	31.34	13.43			
Morgan.....			33.58	31.34	13.43
33.58	31.34	13.43			
Monroe.....			33.58	31.34	13.43
33.58	31.34	13.43			
Miller.....			33.58	31.34	13.43
33.58	31.34	13.43			
Marion.....			33.58	31.34	13.43
33.58	31.34	13.43			
Mcintosh.....			33.58	31.34	13.43
33.58	31.34	13.43			
Lowndes.....			33.58	31.34	13.43
33.58	31.34	13.43			
Lincoln.....			33.58	31.34	13.43
33.58	31.34	13.43			
Laurens.....			33.58	31.34	13.43
33.58	31.34	13.43			
Lamar.....			33.58	31.34	13.43
33.58	31.34	13.43			
Jenkins.....			33.58	31.34	13.43
33.58	31.34	13.43			
Jeff Davis.....			33.58	31.34	13.43
33.58	31.34	13.43			
Jackson.....			33.58	31.34	13.43
33.58	31.34	13.43			
Heard.....			33.58	31.34	13.43
33.58	31.34	13.43			
Putnam.....					
Polk.....					
Pierce.....					
Murray.....					
Montgomery.....					
Mitchell.....					
Meriwether.....					
Macon.....					
Lumpkin.....					
Long.....					
Liberty.....					
Lanier.....					
Johnson.....					
Jefferson.....					
Jasper.....					
Irwin.....					
Hart.....					

Haralson.....	33.58	31.34	13.43

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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H A W A I I

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Honolulu, HI MSA	65.08	60.75	26.03	Honolulu

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Hawaii	57.78	53.93	23.11	Maui 65.08 60.75 26.03
Kauai	65.08	60.75	26.03	

I D A H O

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Boise City, ID MSA	49.01	45.74	19.60	Canyon, Ada
Pocatello, ID MSA	39.44	36.81	15.78	Bannock

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Adams	38.11	35.57	15.24	Benewah 39.44 36.81 15.78
Bear Lake	39.44	36.81	15.78	Fremont 42.65 39.80 17.06
Franklin	39.44	36.81	15.78	Elmore 38.11 35.57 15.24
Custer	42.65	39.80	17.06	Clearwater 39.44 36.81 15.78
Clark	42.65	39.80	17.06	Cassia 40.42 37.73 16.17

Caribou	39.44	36.81	15.78	Camas
40.42	37.73	16.17		
Butte	42.65	39.80	17.06	Boundary
39.44	36.81	15.78		
Bonneville	42.65	39.80	17.06	Bonner
39.44	36.81	15.78		
Boise	38.11	35.57	15.24	Blaine
41.84	39.05	16.74		
Bingham	39.44	36.81	15.78	Washington
38.11	35.57	15.24		
Valley	38.11	35.57	15.24	Twin Falls
40.42	37.73	16.17		
Teton	42.65	39.80	17.06	Shoshone
39.44	36.81	15.78		
Power	39.44	36.81	15.78	Payette
38.11	35.57	15.24		
Owyhee	38.11	35.57	15.24	Oneida
39.44	36.81	15.78		
Nez Perce	39.44	36.81	15.78	Minidoka
40.42	37.73	16.17		
Madison	42.65	39.80	17.06	Lincoln
40.42	37.73	16.17		
Lewis	39.44	36.81	15.78	Lemhi
42.65	39.80	17.06		
Latah	39.44	36.81	15.78	Kootenai
40.82	38.09	16.33		
Jerome	40.42	37.73	16.17	Jefferson
42.65	39.80	17.06		
Idaho	39.44	36.81	15.78	Gooding
40.42	37.73	16.17		
Gem	38.11	35.57	15.24	

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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I L L I N O I S

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Bloomington-Normal, IL MSA	40.80	38.08	16.32	Mclean
Champaign-Urbana, IL MSA	40.94	38.21	16.38	Champaign
Chicago, IL	58.09	54.21	23.24	Will, Mchenry, Lake, Kane, Dupage, Cook
Davenport-Moline-Rock Island, IA-IL MSA	41.90	39.10	16.76	Rock Island, Henry
Decatur, IL MSA	39.55	36.92	15.82	Macon
De Kalb County, IL	46.04	42.97	18.42	Dekalb
Grundy County, IL	59.25	55.30	23.70	Grundy
Kankakee, IL PMSA	39.63	37.00	15.85	Kankakee
Kendall County, Il	58.59	54.68	23.43	Kendall
Peoria-Pekin, IL MSA	45.87	42.81	18.35	Peoria, Woodford, Tazewell
Rockford, IL MSA	41.71	38.94	16.68	Winnebago, Ogle, Boone
St. Louis, MO-IL MSA	39.24	36.61	15.70	Clinton, St. Clair, Monroe, Madison, Jersey
Springfield, IL MSA	41.80	39.01	16.72	Sangamon, Menard

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alexander	35.57	33.19	14.23	Adams	35.57	33.19	14.23
Calhoun	35.57	33.19	14.23	Bureau	37.73	35.22	15.09
Brown	35.57	33.19	14.23	Bond	35.57	33.19	14.23

Cumberland.....	35.57	33.19	14.23	Crawford.....
35.57 33.19 14.23				
Coles.....	35.57	33.19	14.23	Clay.....
35.57 33.19 14.23				
Clark.....	35.57	33.19	14.23	Christian.....
35.57 33.19 14.23				
Cass.....	35.57	33.19	14.23	Carroll.....
35.57 33.19 14.23				
Mason.....	35.57	33.19	14.23	Marshall.....
37.73 35.22 15.09				
Marion.....	35.57	33.19	14.23	Macoupin.....
35.57 33.19 14.23				
Mcdonough.....	35.57	33.19	14.23	Logan.....
35.57 33.19 14.23				
Livingston.....	35.57	33.19	14.23	Lee.....
42.54 39.71 17.02				
Lawrence.....	35.57	33.19	14.23	La Salle.....
42.54 39.71 17.02				
Knox.....	36.31	33.89	14.52	Johnson.....
35.57 33.19 14.23				
Jo Daviess.....	35.57	33.19	14.23	Jefferson.....
35.57 33.19 14.23				
Jasper.....	35.57	33.19	14.23	Jackson.....
35.99 33.58 14.39				
Iroquois.....	35.57	33.19	14.23	Henderson.....
35.57 33.19 14.23				
Hardin.....	35.57	33.19	14.23	Hancock.....
35.57 33.19 14.23				
Hamilton.....	35.57	33.19	14.23	Greene.....
35.57 33.19 14.23				
Gallatin.....	35.57	33.19	14.23	Fulton.....
37.73 35.22 15.09				
Franklin.....	35.99	33.58	14.39	Ford.....
35.57 33.19 14.23				
Fayette.....	35.57	33.19	14.23	Effingham.....

35.57	33.19	14.23						
Edwards.....			35.57	33.19	14.23		Edgar.....	
35.57	33.19	14.23						
Douglas.....			35.57	33.19	14.23		De Witt.....	
35.57	33.19	14.23						
Williamson.....			35.99	33.58	14.39		Whiteside.....	
42.54	39.71	17.02						
White.....			35.57	33.19	14.23		Wayne.....	
35.57	33.19	14.23						

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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I L L I N O I S continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Washington	35.57	33.19	14.23	35.57 33.19 14.23
Wabash	35.57	33.19	14.23	35.57 33.19 14.23
Union	35.57	33.19	14.23	35.57 33.19 14.23
Stark	37.73	35.22	15.09	35.57 33.19 14.23
Scott	35.57	33.19	14.23	35.57 33.19 14.23
Saline	35.57	33.19	14.23	35.57 33.19 14.23
Randolph	35.57	33.19	14.23	37.73 35.22 15.09
Pulaski	35.57	33.19	14.23	35.57 33.19 14.23
Pike	35.57	33.19	14.23	35.57 33.19 14.23
Perry	35.57	33.19	14.23	35.57 33.19 14.23
Morgan	35.57	33.19	14.23	35.57 33.19 14.23
Mercer	35.57	33.19	14.23	35.57 33.19 14.23
Warren	35.57	33.19	14.23	35.57 33.19 14.23
Vermilion	35.57	33.19	14.23	35.57 33.19 14.23
Stephenson	35.57	33.19	14.23	35.57 33.19 14.23
Shelby	37.73	35.22	15.09	35.57 33.19 14.23
Schuyler	35.57	33.19	14.23	35.57 33.19 14.23
Richland	35.57	33.19	14.23	35.57 33.19 14.23
Putnam	35.57	33.19	14.23	35.57 33.19 14.23
Pope	35.57	33.19	14.23	35.57 33.19 14.23
Piatt	35.57	33.19	14.23	35.57 33.19 14.23
Moultrie	35.57	33.19	14.23	35.57 33.19 14.23
Montgomery	35.57	33.19	14.23	35.57 33.19 14.23
Massac	35.57	33.19	14.23	35.57 33.19 14.23

I N D I A N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE

Bloomington, IN MSA	35.93	33.54	14.37	Monroe
Cincinnati, OH-KY-IN	39.10	36.49	15.64	Dearborn
Elkhart-Goshen, IN MSA	35.03	32.70	14.01	Elkhart
Evansville-Henderson, IN-KY MSA	34.79	32.47	13.92	Posey, Warrick, Vanderburgh
Fort Wayne, IN MSA	36.26	33.84	14.50	Allen, Adams, Whitley, Wells, Huntington, De Kalb
Gary, IN PMSA	44.26	41.31	17.70	Porter, Lake
Indianapolis, IN MSA	40.09	37.41	16.03	Hamilton, Boone, Madison, Johnson, Hendricks, Hancock Shelby, Morgan, Marion
Kokomo, IN MSA	35.26	32.92	14.11	Howard, Tipton
Lafayette, IN MSA	38.71	36.13	15.48	Clinton, Tippecanoe
Louisville, KY-IN MSA	32.10	29.96	12.84	Clark, Scott, Harrison, Floyd
Muncie, IN MSA	33.77	31.52	13.51	Delaware
Ohio County, IN	33.77	31.52	13.51	Ohio
South Bend, IN MSA	35.69	33.30	14.28	St. Joseph
Terre Haute, IN MSA	33.77	31.52	13.51	Vermillion, Clay, Vigo

NONMETROPOLITAN COUNTIES	A	B	C
Bartholomew	36.58	34.14	14.63
Benton	33.77	31.52	13.51
Cass	33.77	31.52	13.51
Brown	36.58	34.14	14.63
Fulton	33.77	31.52	13.51

NONMETROPOLITAN COUNTIES	A	B	C
Blackford	33.77	31.52	13.51
Crawford	33.77	31.52	13.51
Carroll	33.77	31.52	13.51
Gibson	33.77	31.52	13.51
Franklin	33.77	31.52	13.51

Fountain.....	33.77	31.52	13.51	Fayette.....	
33.77	31.52	13.51			
Dubois.....	33.77	31.52	13.51	Decatur.....	
35.35	32.99	14.14			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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I N D I A N A continued

NONMETROPOLITAN COUNTIES	A	B	C
Daviess	33.77	31.52	13.51
Martin	33.77	31.52	13.51
Lawrence	34.96	32.62	13.98
Lagrange	33.77	31.52	13.51
Knox	35.35	32.99	14.14
Jefferson	33.77	31.52	13.51
Jasper	35.35	32.99	14.14
Henry	33.77	31.52	13.51
Grant	33.77	31.52	13.51
Wayne	34.72	32.41	13.89
Warren	33.77	31.52	13.51
Union	33.77	31.52	13.51
Sullivan	33.77	31.52	13.51
Starke	33.77	31.52	13.51
Rush	33.77	31.52	13.51

NONMETROPOLITAN COUNTIES	A	B	C
Miami	33.77	31.52	13.51
Marshall	33.77	31.52	13.51
La Porte	33.77	31.52	13.51
Kosciusko	33.77	31.52	13.51
Jennings	33.77	31.52	13.51
Jay	33.77	31.52	13.51
Jackson	33.77	31.52	13.51
Greene	33.77	31.52	13.51
White	33.77	31.52	13.51
Washington	33.77	31.52	13.51
Wabash	33.77	31.52	13.51
Switzerland	33.77	31.52	13.51
Steuben	33.77	31.52	13.51
Spencer	33.77	31.52	13.51
Ripley	33.77	31.52	13.51

33.77	31.52	13.51			
Randolph.....	33.77	31.52	13.51	Putnam.....	
33.85	31.59	13.54			
Pulaski.....	33.77	31.52	13.51	Pike.....	
33.77	31.52	13.51			
Perry.....	33.77	31.52	13.51	Parke.....	
33.77	31.52	13.51			
Owen.....	34.24	31.96	13.70	Orange.....	
33.77	31.52	13.51			
Noble.....	33.77	31.52	13.51	Newton.....	
33.77	31.52	13.51			
Montgomery.....	33.77	31.52	13.51		

I O W A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Cedar Rapids, IA MSA.....	40.47	37.77	16.19	Linn
Davenport-Moline-Rock Island, IA-IL MSA.....	41.90	39.10	16.76	Scott
Des Moines, IA MSA.....	41.80	39.02	16.72	Polk, Dallas, Warren
Dubuque, IA MSA.....	37.45	34.96	14.98	Dubuque
Iowa City, IA MSA.....	42.61	39.77	17.04	Johnson
Omaha, NE-IA MSA.....	37.21	34.73	14.88	Pottawattamie
Sioux City, IA-NE MSA.....	36.58	34.14	14.63	Woodbury
Waterloo-Cedar Falls, IA MSA.....	40.62	37.91	16.25	Black Hawk

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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I O W A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
A B C				
Adams.....	33.97	31.70	13.59	Adair.....
33.97 31.70 13.59				
Benton.....	33.97	31.70	13.59	Audubon.....
33.97 31.70 13.59				
Appanoose.....	33.97	31.70	13.59	Allamakee.....
33.97 31.70 13.59				
Cass.....	33.97	31.70	13.59	Carroll.....
33.97 31.70 13.59				
Calhoun.....	33.97	31.70	13.59	Butler.....
33.97 31.70 13.59				
Buena Vista.....	33.97	31.70	13.59	Buchanan.....
33.97 31.70 13.59				
Bremer.....	40.62	37.91	16.25	Boone.....
36.42 34.00 14.57				
Fayette.....	33.97	31.70	13.59	Emmet.....
33.97 31.70 13.59				
Dickinson.....	33.97	31.70	13.59	Des Moines.....
33.97 31.70 13.59				
Delaware.....	35.78	33.40	14.31	Decatur.....
33.97 31.70 13.59				
Davis.....	33.97	31.70	13.59	Crawford.....
33.97 31.70 13.59				
Clinton.....	35.78	33.40	14.31	Clayton.....
33.97 31.70 13.59				
Clay.....	33.97	31.70	13.59	Clarke.....
33.97 31.70 13.59				
Chickasaw.....	33.97	31.70	13.59	Cherokee.....
33.97 31.70 13.59				
Cerro Gordo.....	33.97	31.70	13.59	Cedar.....

35.78	33.40	14.31			
Monona	33.97	31.70	13.59	Mitchell	
33.97	31.70	13.59			
Mills	33.97	31.70	13.59	Marshall	
33.97	31.70	13.59			
Marion	33.97	31.70	13.59	Mahaska	
33.97	31.70	13.59			
Madison	33.97	31.70	13.59	Lyon	
33.97	31.70	13.59			
Lucas	33.97	31.70	13.59	Louisa	
33.97	31.70	13.59			
Lee	33.97	31.70	13.59	Kossuth	
33.97	31.70	13.59			
Keokuk	33.97	31.70	13.59	Jones	
33.97	31.70	13.59			
Jefferson	33.97	31.70	13.59	Jasper	
33.97	31.70	13.59			
Jackson	35.78	33.40	14.31	Iowa	
33.97	31.70	13.59			
Ida	33.97	31.70	13.59	Humboldt	
33.97	31.70	13.59			
Howard	33.97	31.70	13.59	Henry	
33.97	31.70	13.59			
Harrison	33.97	31.70	13.59	Hardin	
33.97	31.70	13.59			
Hancock	33.97	31.70	13.59	Hamilton	
33.97	31.70	13.59			
Guthrie	33.97	31.70	13.59	Grundy	
33.97	31.70	13.59			
Greene	33.97	31.70	13.59	Fremont	
33.97	31.70	13.59			
Franklin	33.97	31.70	13.59	Floyd	
33.97	31.70	13.59			
Wright	33.97	31.70	13.59	Worth	
33.97	31.70	13.59			

Winneshiek.....	33.97	31.70	13.59	Winnebago.....
33.97	31.70	13.59		
Webster.....	33.97	31.70	13.59	Wayne.....
33.97	31.70	13.59		
Washington.....	33.97	31.70	13.59	Wapello.....
35.71	33.32	14.28		
Van Buren.....	33.97	31.70	13.59	Union.....
33.97	31.70	13.59		
Taylor.....	33.97	31.70	13.59	Tama.....
33.97	31.70	13.59		
Story.....	36.90	34.43	14.76	Sioux.....
33.97	31.70	13.59		
Shelby.....	33.97	31.70	13.59	Sac.....
33.97	31.70	13.59		
Ringgold.....	33.97	31.70	13.59	Poweshiek.....
33.97	31.70	13.59		

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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I O W A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Pocahontas	33.97	31.70	13.59	Plymouth	33.97	31.70	13.59
Palo Alto	33.97	31.70	13.59	Page	33.97	31.70	13.59
Osceola	33.97	31.70	13.59	O'Brien	33.97	31.70	13.59
Muscatine	33.97	31.70	13.59	Montgomery	33.97	31.70	13.59
Monroe	33.97	31.70	13.59				

K A N S A S

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Kansas City, MO-KS MSA	38.14	35.60	15.26	Johnson, Wyandotte, Miami, Leavenworth
Lawrence, KS MSA	40.71	38.00	16.28	Douglas
Topeka, KS MSA	36.84	34.39	14.74	Shawnee
Wichita, KS MSA	39.69	37.04	15.88	Butler, Sedgwick, Harvey

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Barber	33.77	31.52	13.51	Atchison	33.77	31.52	13.51
Anderson	33.77	31.52	13.51	Allen	33.77	31.52	13.51
Clark	33.77	31.52	13.51	Cheyenne	33.77	31.52	13.51

Cherokee.....	33.77	31.52	13.51	Chautauqua.....	33.77	31.52	13.51
Chase.....	33.77	31.52	13.51	Brown.....	33.77	31.52	13.51
Bourbon.....	33.77	31.52	13.51	Barton.....	33.77	31.52	13.51
Franklin.....	33.77	31.52	13.51	Ford.....	33.77	31.52	13.51
Finney.....	33.77	31.52	13.51	Ellsworth.....	33.77	31.52	13.51
Ellis.....	33.77	31.52	13.51	Elk.....	33.77	31.52	13.51
Edwards.....	33.77	31.52	13.51	Doniphan.....	33.77	31.52	13.51
Dickinson.....	33.77	31.52	13.51	Decatur.....	33.77	31.52	13.51
Crawford.....	33.77	31.52	13.51	Cowley.....	33.77	31.52	13.51
Comanche.....	33.77	31.52	13.51	Coffey.....	33.77	31.52	13.51
Cloud.....	33.77	31.52	13.51	Clay.....	33.77	31.52	13.51
Wallace.....	33.77	31.52	13.51	Wabaunsee.....	33.77	31.52	13.51
Trego.....	33.77	31.52	13.51	Thomas.....	33.77	31.52	13.51
Sumner.....	33.77	31.52	13.51	Stevens.....	33.77	31.52	13.51
Stanton.....	33.77	31.52	13.51	Stafford.....	33.77	31.52	13.51
Smith.....	33.77	31.52	13.51	Sherman.....	33.77	31.52	13.51
Sheridan.....	33.77	31.52	13.51	Seward.....	33.77	31.52	13.51
Scott.....	33.77	31.52	13.51	Saline.....	33.77	31.52	13.51

33.77	31.52	13.51			
Russell.....	33.77	31.52	13.51	Rush.....	
33.77	31.52	13.51			
Rooks.....	33.77	31.52	13.51	Riley.....	
33.77	31.52	13.51			
Rice.....	33.77	31.52	13.51	Republic.....	
33.77	31.52	13.51			
Reno.....	33.77	31.52	13.51	Rawlins.....	
33.77	31.52	13.51			
Pratt.....	33.77	31.52	13.51	Pottawatomie.....	
33.77	31.52	13.51			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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K A N S A S continued

NONMETROPOLITAN COUNTIES	A	B	C
Phillips	33.77	31.52	13.51
Ottawa	33.77	31.52	13.51
Osage	33.77	31.52	13.51
Ness	33.77	31.52	13.51
Nemaha	33.77	31.52	13.51
Morris	33.77	31.52	13.51
Mitchell	33.77	31.52	13.51
Marshall	33.77	31.52	13.51
Mcpherson	33.77	31.52	13.51
Logan	33.77	31.52	13.51
Lincoln	33.77	31.52	13.51
Labette	33.77	31.52	13.51
Kingman	33.77	31.52	13.51
Jewell	33.77	31.52	13.51
Jackson	33.77	31.52	13.51

NONMETROPOLITAN COUNTIES	A	B	C
Pawnee	33.77	31.52	13.51
Osborne	33.77	31.52	13.51
Norton	33.77	31.52	13.51
Neosho	33.77	31.52	13.51
Morton	33.77	31.52	13.51
Montgomery	33.77	31.52	13.51
Meade	33.77	31.52	13.51
Marion	33.77	31.52	13.51
Lyon	33.77	31.52	13.51
Linn	33.77	31.52	13.51
Lane	33.77	31.52	13.51
Kiowa	33.77	31.52	13.51
Kearny	33.77	31.52	13.51
Jefferson	33.77	31.52	13.51
Hodgeman	33.77	31.52	13.51

33.77	31.52	13.51			
Haskell.....	33.77	31.52	13.51		Harper.....
33.77	31.52	13.51			
Hamilton.....	33.77	31.52	13.51		Greenwood.....
33.77	31.52	13.51			
Greeley.....	33.77	31.52	13.51		Gray.....
33.77	31.52	13.51			
Grant.....	33.77	31.52	13.51		Graham.....
33.77	31.52	13.51			
Gove.....	33.77	31.52	13.51		Geary.....
33.77	31.52	13.51			
Woodson.....	33.77	31.52	13.51		Wilson.....
33.77	31.52	13.51			
Wichita.....	33.77	31.52	13.51		Washington.....
33.77	31.52	13.51			

K E N T U C K Y

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Cincinnati, OH-KY-IN.....	39.10	36.49	15.64	Kenton, Campbell, Boone
Clarksville-Hopkinsville, TN-KY MSA.....	38.40	35.84	15.36	Christian
Evansville-Henderson, IN-KY MSA.....	34.79	32.47	13.92	Henderson
Gallatin County, KY.....	32.10	29.96	12.84	Gallatin
Grant County, KY.....	32.10	29.96	12.84	Grant
Huntington-Ashland, WV-KY-OH MSA.....	34.88	32.55	13.95	Boyd, Greenup, Carter
Lexington, KY MSA.....	35.55	33.18	14.22	Clark, Bourbon, Woodford, Scott, Madison, Jessamine Fayette
Louisville, KY-IN MSA.....	32.10	29.96	12.84	Bullitt, Oldham, Jefferson
Owensboro, KY MSA.....	32.10	29.96	12.84	Daviess
Pendleton County, KY.....	32.10	29.96	12.84	Pendleton

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Allen	32.10	29.96	12.84	Adair
Bath	32.10	29.96	12.84	Barren
Ballard	32.10	29.96	12.84	Anderson
Henry	32.10	29.96	12.84	Hart
Harrison	32.10	29.96	12.84	Harlan
Hardin	32.10	29.96	12.84	Hancock
Green	32.10	29.96	12.84	Grayson
Graves	32.10	29.96	12.84	Garrard
Fulton	32.10	29.96	12.84	Franklin
Floyd	32.10	29.96	12.84	Fleming
Estill	32.10	29.96	12.84	Elliott
Edmonson	32.10	29.96	12.84	Cumberland
Crittenden	32.10	29.96	12.84	Clinton
Clay	32.10	29.96	12.84	Casey
Carroll	32.10	29.96	12.84	Carlisle

NONMETROPOLITAN COUNTIES	A	B	C
Allen	32.10	29.96	12.84
Bath	32.10	29.96	12.84
Ballard	32.70	30.52	13.08
Henry	32.10	29.96	12.84
Harrison	32.10	29.96	12.84
Hardin	32.10	29.96	12.84
Green	32.10	29.96	12.84
Graves	32.10	29.96	12.84
Fulton	32.70	30.52	13.08
Floyd	32.10	29.96	12.84
Estill	32.10	29.96	12.84
Edmonson	32.10	29.96	12.84
Crittenden	32.10	29.96	12.84
Clay	32.10	29.96	12.84
Carroll	32.10	29.96	12.84

32.10	29.96	12.84			
Calloway	32.10	29.96	12.84	Caldwell	
32.10	29.96	12.84			
Butler	32.10	29.96	12.84	Breckinridge	
32.10	29.96	12.84			
Breathitt	32.10	29.96	12.84	Bracken	
32.10	29.96	12.84			
Boyle	32.10	29.96	12.84	Bell	
32.10	29.96	12.84			
Wolfe	32.10	29.96	12.84	Whitley	
32.10	29.96	12.84			
Webster	32.10	29.96	12.84	Wayne	
32.10	29.96	12.84			
Washington	32.10	29.96	12.84	Warren	
32.10	29.96	12.84			
Union	32.10	29.96	12.84	Trimble	
32.10	29.96	12.84			
Trigg	32.10	29.96	12.84	Todd	
32.10	29.96	12.84			
Taylor	32.10	29.96	12.84	Spencer	
32.10	29.96	12.84			
Simpson	32.10	29.96	12.84	Shelby	
32.10	29.96	12.84			
Russell	32.10	29.96	12.84	Rowan	
32.10	29.96	12.84			
Rockcastle	32.10	29.96	12.84	Robertson	
32.10	29.96	12.84			
Pulaski	32.10	29.96	12.84	Powell	
32.10	29.96	12.84			
Pike	32.10	29.96	12.84	Perry	
32.10	29.96	12.84			
Owsley	32.10	29.96	12.84	Owen	
32.10	29.96	12.84			
Ohio	32.10	29.96	12.84	Nicholas	
32.10	29.96	12.84			

Nelson.....	32.10	29.96	12.84	Muhlenberg.....	32.10	29.96	12.84
Morgan.....	32.10	29.96	12.84	Montgomery.....	32.10	29.96	12.84
Monroe.....	32.10	29.96	12.84	Metcalfe.....	32.10	29.96	12.84
Mercer.....	32.70	30.52	13.08	Menifee.....	32.10	29.96	12.84
Meade.....	32.10	29.96	12.84	Mason.....	32.10	29.96	12.84
Martin.....	32.10	29.96	12.84	Marshall.....	32.10	29.96	12.84
Marion.....	32.10	29.96	12.84	Magoffin.....	32.10	29.96	12.84
Mclean.....	32.10	29.96	12.84	Mccreary.....	32.10	29.96	12.84

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Mccracken	32.10	29.96	12.84	Lyon	32.10	29.96	12.84
Logan	32.10	29.96	12.84	Livingston	32.10	29.96	12.84
Lincoln	32.10	29.96	12.84	Lewis	32.10	29.96	12.84
Letcher	32.10	29.96	12.84	Leslie	32.10	29.96	12.84
Lee	32.10	29.96	12.84	Lawrence	32.10	29.96	12.84
Laurel	32.10	29.96	12.84	Larue	32.10	29.96	12.84
Knox	32.10	29.96	12.84	Knott	32.10	29.96	12.84
Johnson	32.10	29.96	12.84	Jackson	32.10	29.96	12.84
Hopkins	32.10	29.96	12.84	Hickman	32.10	29.96	12.84

L O U I S I A N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Alexandria, LA MSA	34.22	31.94	13.69	Rapides
Baton Rouge, LA MSA	40.30	37.61	16.12	East Baton Rouge, Ascension, West Baton Rouge, Livingston
Houma, LA MSA	35.73	33.35	14.29	Terrebonne, Lafourche
Lafayette, LA MSA	40.30	37.61	16.12	St. Martin,

Lafayette, St. Landry, Acadia Lake Charles, LA MSA	34.22	31.94	13.69	Calcasieu
Monroe, LA MSA	34.22	31.94	13.69	Ouachita
New Orleans, LA	37.32	34.83	14.93	St. Tammany, St. John the Baptist, St. Charles
Plaquemines, Orleans, Jefferson St. James Parish, LA	34.22	31.94	13.69	St. Bernard, St. James
Shreveport-Bossier City, LA MSA	36.53	34.10	14.61	Bossier, Webster, Caddo

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Beauregard	34.22	31.94	13.69	Avoyelles
Assumption	34.22	31.94	13.69	Allen
East Carroll	34.22	31.94	13.69	De Soto
Concordia	34.22	31.94	13.69	Claiborne
Catahoula	34.22	31.94	13.69	Cameron
Caldwell	34.22	31.94	13.69	Bienville
Winn	34.22	31.94	13.69	West Feliciana
West Carroll	34.22	31.94	13.69	Washington
Vernon	34.22	31.94	13.69	Vermilion
Union	34.22	31.94	13.69	Tensas
Tangipahoa	34.22	31.94	13.69	St. Mary

St. Helena.....	34.22	31.94	13.69	Sabine.....
34.22 31.94 13.69				
Richland.....	34.22	31.94	13.69	Red River.....
34.22 31.94 13.69				
Pointe Coupee.....	34.22	31.94	13.69	Natchitoches.....
34.22 31.94 13.69				
Morehouse.....	34.22	31.94	13.69	Madison.....
34.22 31.94 13.69				
Lincoln.....	34.22	31.94	13.69	La Salle.....
34.22 31.94 13.69				

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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L O U I S I A N A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Jefferson Davis.....	34.22	31.94	13.69	Jackson.....	34.22	31.94	13.69
Iberville.....	34.22	31.94	13.69	Iberia.....	34.22	31.94	13.69
Grant.....	34.22	31.94	13.69	Franklin.....	34.22	31.94	13.69
Evangeline.....	34.22	31.94	13.69	East Feliciana.....	34.22	31.94	13.69

M A I N E

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Bangor, ME MSA.....	40.42	37.72	16.17	Waldo county towns of Winterport town Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Orrington town Penobscot Indian I, Veazie town
Lewiston-Auburn, ME MSA.....	39.82	37.16	15.93	Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls tow Poland town,

Sabattus town, Turner town, Wales town				
Portland, ME MSA	55.65	51.93	22.26	Cumberland
county towns of Cape Elizabeth tow, Casco town				
				Cumberland
town, Falmouth town, Freeport town				
				Gorham town,
Gray town, North Yarmouth tow				
				Portland city,
Raymond town, Scarborough town				
				South Portland
cit, Standish town, Westbrook city				
				Windham town,
Yarmouth town				
				York county
towns of Buxton town, Hollis town				
				Limington
town, Old Orchard Beach				
Portsmouth-Rochester, NH-ME PMSA	52.27	48.79	20.91	York county
towns of Berwick town, Eliot town				
				Kittery town,
South Berwick town, York town				
NONMETROPOLITAN COUNTIES	A	B	C	Towns within
non metropolitan counties				
Aroostook	37.15	34.68	14.86	
Androscoggin	36.79	34.34	14.72	Durham town,
Leeds town, Livermore town				
				Livermore
Falls to, Minot town				
Kennebec	39.06	36.45	15.62	
Hancock	38.14	35.60	15.25	
Franklin	36.47	34.03	14.59	
Cumberland	42.55	39.71	17.02	Baldwin town,
Bridgton town, Brunswick town				
				Harpswell
town, Harrison town, Naples town				
				New Gloucester
tow, Pownal town, Sebago town				

Waldo.....	37.68	35.17	15.07	Belfast city, Belmont town, Brooks town, Burnham town
				Frankfort town, Freedom town, Islesboro town
				Jackson town, Knox town, Liberty town, Lincolnville town
				Monroe town, Montville town, Morrill town
				Northport town, Palermo town, Prospect town
				Searsmont town, Searsport town, Stockton Springs t
				Swanville town, Thorndike town, Troy town, Unity town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M A I N E continued

NONMETROPOLITAN COUNTIES non metropolitan counties	A	B	C	Towns within
Somerset	37.07	34.60	14.83	Waldo town
Sagadahoc	44.60	41.62	17.84	
Piscataquis	32.73	30.55	13.09	
Penobscot	37.68	35.17	15.07	Alton town, Argyle unorg., Bradford town, Bradley town
				Burlington town, Carmel town, Carroll plantation
				Charleston town, Chester town, Clifton town
				Corinna town, Corinth town, Dexter town, Dixmont town
				Drew plantation, East Central Penob, East Millinocket t
				Edinburg town, Enfield town, Etna town, Exeter town
				Garland town, Greenbush town, Greenfield town
				Howland town, Hudson town, Kingman unorg., Lagrange town
				Lakeville town, Lee town, Levant town, Lincoln town
				Lowell town, Mattawamkeag town, Maxfield town
				Medway town, Millinocket town, Mount Chase town
				Newburgh town, Newport town, North Penobscot un
				Passadumkeag town, Patten town, Plymouth town
				Prentiss

plantatio, Seboeis plantation, Springfield town				
town, Stetson town, Twombly unorg.				Stacyville
plantation, Whitney unorg., Winn town				Webster
				Woodville town
Oxford	36.47	34.03	14.59	
Lincoln	38.37	35.82	15.35	
Knox	39.00	36.40	15.60	
York	48.95	45.69	19.58	Acton town,
Alfred town, Arundel town, Biddeford city				
Dayton town, Kennebunk town				Cornish town,
town, Lebanon town, Limerick town				Kennebunkport
Newfield town, North Berwick town				Lyman town,
Parsonsfield town, Saco city				Ogunquit town,
Shapleigh town, Waterboro town, Wells town				Sanford town,
Washington	37.68	35.17	15.07	

M A R Y L A N D

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Baltimore, MD	46.63	43.52	18.65	Baltimore, Anne
Arundel, Queen Anne's, Howard, Harford				Carroll,
Baltimore city				
Columbia, MD	61.62	57.51	24.65	Columbia
Cumberland, MD-WV MSA	33.10	30.89	13.24	Allegany
Hagerstown, MD PMSA	36.58	34.14	14.63	Washington
Washington, DC-MD-VA	63.93	59.67	25.57	Montgomery,
Frederick, Charles, Calvert, Prince George's				
Wilmington-Newark, DE-MD PMSA	51.55	48.11	20.62	Cecil

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M A R Y L A N D continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Dorchester	35.26	32.91	14.10	33.79	31.54	13.51
Somerset	35.26	32.91	14.10	49.80	46.48	19.92
Kent	37.13	34.66	14.85	33.10	30.89	13.24
Worcester	36.34	33.92	14.54	41.91	39.11	16.76
Talbot	40.58	37.87	16.23			
Caroline						
St. Mary's						
Garrett						
Wicomico						

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Barnstable-Yarmouth, MA MSA	62.89	58.70	25.16	Barnstable county towns of Barnstable town, Brewster town, Chatham town, Dennis town, Eastham town, Harwich town, Mashpee town, Orleans town, Sandwich town, Yarmouth town
Boston, MA-NH PMSA	62.74	58.55	25.10	Norfolk county towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town

town, Quincy city, Randolph town, Sharon town
town, Walpole town, Wellesley town
Weymouth town, Wrentham town
county towns of Acton town, Arlington town
Ayer town, Bedford town, Belmont town
town, Burlington town, Cambridge city
Concord town, Everett city
town, Holliston town, Hopkinton town
Lexington town, Lincoln town
town, Malden city, Marlborough city
Medford city, Melrose city, Natick town
North Reading town, Reading town
Shirley town, Somerville city
Stow town, Sudbury town, Townsend town
town, Waltham city, Watertown town
Weston town, Wilmington town
town, Woburn city
towns of Amesbury town, Beverly city
Essex town, Gloucester city, Hamilton town
Plainville
Stoughton
Westwood town,
Middlesex
Ashland town,
Boxborough
Carlisle town,
Framingham
Hudson town,
Littleton
Maynard town,
Newton city,
Sherborn town,
Stoneham town,
Wakefield
Wayland town,
Winchester
Essex county
Danvers town,
Ipswich town,

Lynn city, Lynnfield town, Manchester town	
town, Middleton town, Nahant town	Marblehead
Newburyport city, Peabody city	Newbury town,
Rowley town, Salem city, Salisbury town	Rockport town,
Swampscott town, Topsfield town	Saugus town,
	Wenham town
towns of Berkley town, Dighton town	Bristol county
town, Norton town, Taunton city	Mansfield
county towns of Berlin town, Blackstone town	Worcester
Harvard town, Hopedale town, Lancaster town	Bolton town,

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Milford town, Millville town				Mendon town,
town, Upton town				Southborough
towns of Boston city, Chelsea city				Suffolk county
Winthrop town				Revere city,
towns of Carver town, Duxbury town				Plymouth county
Hingham town, Hull town, Kingston town				Hanover town,
town, Norwell town, Pembroke town				Marshfield
Rockland town, Scituate town				Plymouth town,
Brockton, MA PMSA.....	52.19	48.71	20.88	Wareham town Bristol county
towns of Easton town, Raynham town				Plymouth county
towns of Abington town, Bridgewater town				Brockton city,
East Bridgewater t, Halifax town				Hanson town,
Lakeville town, Middleborough town				Plympton town,
West Bridgewater t, Whitman town				Norfolk county
towns of Avon town Fitchburg-Leominster, MA MSA.....	52.58	49.08	21.03	Worcester county
towns of Ashburnham town, Fitchburg city				

Leominster city, Lunenburg town				Gardner city,
town, Westminster town, Winchendon town				Templeton
county towns of Ashby town				Middlesex
Lawrence, MA-NH PMSA	50.41	47.05	20.16	Essex county
towns of Andover town, Boxford town				Georgetown
town, Groveland town, Haverhill city				Lawrence city,
Merrimac town, Methuen town				North Andover
town, West Newbury town				
Lowell, MA-NH PMSA	52.66	49.14	21.06	Middlesex county
towns of Billerica town, Chelmsford town				Dracut town,
Dunstable town, Groton town, Lowell city				Pepperell
town, Tewksbury town, Tyngsborough town				Westford town
New Bedford, MA MSA	45.52	42.49	18.21	Plymouth county
towns of Marion town, Mattapoisett town				Rochester town
				Bristol county
towns of Acushnet town, Dartmouth town				Fairhaven
town, Freetown town, New Bedford city				
Pittsfield, MA MSA	48.16	44.95	19.26	Berkshire county
towns of Adams town, Cheshire town				Dalton town,
Hinsdale town, Lanesborough town, Lee town				Lenox town,
Pittsfield city, Richmond town				Stockbridge
town				
Providence-Fall River-Warwick, RI-MA PMSA	51.92	48.45	20.77	Bristol county

towns of Attleboro city, Fall River city				
Attleborough, Rehoboth town, Seekonk town				North
Swansea town, Westport town				Somerset town,
Springfield, MA MSA.....	47.15	44.00	18.86	Hampden county
towns of Agawam town, Chicopee city				East
Longmeadow to, Hampden town, Holyoke city				Longmeadow
town, Ludlow town, Monson town				Montgomery
town, Palmer town, Russell town				Southwick
town, Springfield city, Westfield city				West
Springfield t, Wilbraham town				Franklin county
towns of Sunderland town				Hampshire
county towns of Amherst town, Belchertown town				Easthampton
town, Granby town, Hadley town				

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Huntington town, Northampton city town, South Hadley town, Ware town town				Hatfield town, Southampton Williamsburg
Worcester, MA-CT..... towns of Holland town	52.49	48.99	21.00	Hampden county
county towns of Auburn town, Barre town Brookfield town, Charlton town Douglas town, Dudley town Brookfield to, Grafton town, Holden town town, Millbury town, Northborough town town, North Brookfield t, Oakham town Paxton town, Princeton town, Rutland town town, Southbridge town, Spencer town Sturbridge town, Sutton town Webster town, Westborough town town, West Brookfield to, Worcester city				Worcester Boylston town, Clinton town, East Leicester Northbridge Oxford town, Shrewsbury Sterling town, Uxbridge town, West Boylston

NONMETROPOLITAN COUNTIES non metropolitan counties	A	B	C	Towns within
Barnstable	62.89	58.70	25.16	Bourne town, Falmouth town, Provincetown town, Truro town, Wellfleet town
Hampden	45.92	42.85	18.37	Blandford town, Brimfield town, Chester town, Granville town, Tolland town, Wales town
Franklin	47.77	44.59	19.11	Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Dukes	62.89	58.70	25.16	
Berkshire	42.42	39.59	16.97	Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington t, Hancock town, Monterey town, Mount Washington t, New Ashford town, New Marlborough to, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge t

				Williamstown town, Windsor town
Worcester	47.07	43.94	18.83	Athol town, Hardwick town, Hubbardston town
				New Braintree town, Petersham town, Phillipston town
				Royalston town, Warren town
Nantucket	62.89	58.70	25.16	
Hampshire	57.62	53.78	23.05	Chesterfield town, Cummington town, Goshen town
				Middlefield town, Pelham town, Plainfield town
				Westhampton town, Worthington town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M I C H I G A N

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Ann Arbor, MI PMSA	51.86	48.40	20.74	Lenawee, Washtenaw, Livingston
Benton Harbor, MI MSA	37.94	35.41	15.17	Berrien
Detroit, MI PMSA	43.52	40.62	17.41	Lapeer, Wayne, St. Clair, Oakland, Monroe, Macomb
Flint, MI PMSA	37.46	34.96	14.98	Genesee
Grand Rapids-Muskegon-Holland, MI MSA	41.08	38.34	16.43	Kent, Allegan, Ottawa, Muskegon
Jackson, MI MSA	37.61	35.11	15.05	Jackson
Kalamazoo-Battle Creek, MI MSA	39.22	36.62	15.69	Calhoun, Van Buren, Kalamazoo
Lansing-East Lansing, MI MSA	41.73	38.94	16.69	Eaton, Clinton, Ingham
Saginaw-Bay City-Midland, MI MSA	37.21	34.73	14.88	Bay, Saginaw, Midland

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Antrim	36.97	34.51	14.79	Alpena	34.48	32.18	13.79
Alger	34.48	32.18	13.79	Alcona	34.48	32.18	13.79
Cheboygan	34.48	32.18	13.79	Charlevoix	36.97	34.51	14.79
Cass	34.48	32.18	13.79	Branch	34.72	32.40	13.89
Benzie	36.97	34.51	14.79	Barry	35.93	33.54	14.37

Baraga.....	34.48	32.18	13.79	Arenac.....
34.48	32.18	13.79		
Iron.....	34.48	32.18	13.79	Iosco.....
34.48	32.18	13.79		
Ionia.....	34.56	32.25	13.82	Huron.....
34.48	32.18	13.79		
Houghton.....	34.48	32.18	13.79	Hillsdale.....
36.81	34.36	14.72		
Gratiot.....	37.21	34.73	14.88	Grand Traverse.....
38.27	35.72	15.31		
Gogebic.....	34.48	32.18	13.79	Gladwin.....
34.48	32.18	13.79		
Emmet.....	36.97	34.51	14.79	Dickinson.....
34.48	32.18	13.79		
Delta.....	34.48	32.18	13.79	Crawford.....
34.48	32.18	13.79		
Clare.....	34.48	32.18	13.79	Chippewa.....
34.48	32.18	13.79		
Wexford.....	36.97	34.51	14.79	Tuscola.....
34.60	32.29	13.84		
Shiawassee.....	36.73	34.28	14.69	Schoolcraft.....
34.48	32.18	13.79		
Sanilac.....	34.48	32.18	13.79	St. Joseph.....
34.72	32.40	13.89		
Roscommon.....	34.48	32.18	13.79	Presque Isle.....
34.48	32.18	13.79		
Otsego.....	34.48	32.18	13.79	Oscoda.....
34.48	32.18	13.79		
Osceola.....	34.48	32.18	13.79	Ontonagon.....
34.48	32.18	13.79		
Ogemaw.....	34.48	32.18	13.79	Oceana.....
34.48	32.18	13.79		
Newaygo.....	34.48	32.18	13.79	Montmorency.....
34.48	32.18	13.79		
Montcalm.....	34.48	32.18	13.79	Missaukee.....
36.97	34.51	14.79		

Menominee.....	36.97	34.51	14.79	Mecosta.....	
34.48	32.18	13.79			
Mason.....	34.48	32.18	13.79	Marquette.....	
36.97	34.51	14.79			
Manistee.....	36.97	34.51	14.79	Mackinac.....	
34.48	32.18	13.79			
Luce.....	34.48	32.18	13.79	Leelanau.....	
38.02	35.49	15.21			
Lake.....	34.48	32.18	13.79	Keweenaw.....	
34.48	32.18	13.79			
Kalkaska.....	36.97	34.51	14.79	Isabella.....	
37.21	34.73	14.88			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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M I N N E S O T A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Duluth-Superior, MN-WI MSA	36.59	34.15	14.64	St. Louis
Fargo-Moorhead, ND-MN MSA	36.97	34.50	14.79	Clay
Grand Forks, ND-MN MSA	35.33	32.98	14.13	Polk
La Crosse, WI-MN MSA	40.47	37.76	16.19	Houston
Minneapolis-St. Paul, MN-WI MSA	49.47	46.18	19.79	Carver, Anoka, Isanti, Hennepin, Dakota, Chisago, Wright Sherburne, Scott, Ramsey Washington,
Rochester, MN MSA	40.96	38.23	16.38	Olmsted
St. Cloud, MN MSA	37.69	35.18	15.08	Stearns, Benton

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Faribault	33.61	31.37	13.45	Douglas 33.61 31.37 13.45
Dodge	33.61	31.37	13.45	Crow Wing 33.61 31.37 13.45
Cottonwood	33.61	31.37	13.45	Cook 33.61 31.37 13.45
Clearwater	33.61	31.37	13.45	Chippewa 33.61 31.37 13.45
Cass	33.61	31.37	13.45	Carlton 33.61 31.37 13.45
Brown	33.61	31.37	13.45	Blue Earth 36.75 34.30 14.70
Big Stone	33.61	31.37	13.45	Beltrami 33.61 31.37 13.45
Becker	33.61	31.37	13.45	Aitkin

34.70	32.39	13.88			
Yellow Medicine.....			33.61	31.37	13.45
34.08	31.81	13.63			
Wilkin.....			33.61	31.37	13.45
33.61	31.37	13.45			
Waseca.....			33.61	31.37	13.45
33.61	31.37	13.45			
Wabasha.....			33.61	31.37	13.45
33.61	31.37	13.45			
Todd.....			33.61	31.37	13.45
33.61	31.37	13.45			
Stevens.....			33.61	31.37	13.45
36.67	34.23	14.67			
Sibley.....			34.94	32.62	13.98
33.61	31.37	13.45			
Rock.....			33.61	31.37	13.45
37.77	35.25	15.11			
Renville.....			35.26	32.91	14.10
33.61	31.37	13.45			
Red Lake.....			33.61	31.37	13.45
33.61	31.37	13.45			
Pipestone.....			33.61	31.37	13.45
33.61	31.37	13.45			
Pennington.....			33.61	31.37	13.45
33.61	31.37	13.45			
Norman.....			33.61	31.37	13.45
33.61	31.37	13.45			
Nicollet.....			35.41	33.05	14.17
33.61	31.37	13.45			
Mower.....			33.61	31.37	13.45
33.61	31.37	13.45			
Mille Lacs.....			33.61	31.37	13.45
35.26	32.91	14.10			
Martin.....			33.61	31.37	13.45
33.61	31.37	13.45			

Winona.....			33.61	31.37	13.45
Watonwan.....			33.61	31.37	13.45
Wadena.....			33.61	31.37	13.45
Traverse.....			33.61	31.37	13.45
Swift.....			33.61	31.37	13.45
Steele.....			33.61	31.37	13.45
Roseau.....			34.94	32.62	13.98
Rice.....			33.61	31.37	13.45
Redwood.....			35.26	32.91	14.10
Pope.....			33.61	31.37	13.45
Pine.....			33.61	31.37	13.45
Otter Tail.....			33.61	31.37	13.45
Nobles.....			33.61	31.37	13.45
Murray.....			35.41	33.05	14.17
Morrison.....			33.61	31.37	13.45
Meeker.....			33.61	31.37	13.45
Marshall.....			33.61	31.37	13.45

Mahnomen.....	33.61	31.37	13.45	Mcleod.....	
35.26	32.91	14.10			
Lyon.....	33.61	31.37	13.45	Lincoln.....	
33.61	31.37	13.45			
Le Sueur.....	34.94	32.62	13.98	Lake of the Woods.....	
33.61	31.37	13.45			
Lake.....	33.61	31.37	13.45	Lac qui Parle.....	
33.61	31.37	13.45			
Koochiching.....	33.61	31.37	13.45	Kittson.....	
33.61	31.37	13.45			
Kandiyohi.....	35.26	32.91	14.10	Kanabec.....	
33.61	31.37	13.45			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Jackson	33.61	31.37	13.45	Itasca	33.61	31.37	13.45
Hubbard	33.61	31.37	13.45	Grant	33.61	31.37	13.45
Goodhue	33.61	31.37	13.45	Freeborn	36.67	34.23	14.67
Fillmore	33.61	31.37	13.45				

M I S S I S S I P P I

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Biloxi-Gulfport-Pascagpula, MS MSA	33.84	31.58	13.53	Hancock, Jackson, Harrison
Hattiesburg, MS MSA	33.84	31.58	13.53	Lamar, Forrest
Jackson, MS MSA	39.92	37.26	15.97	Madison, Hinds, Rankin
Memphis, TN-AR-MS MSA	37.90	35.38	15.16	Desoto

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alcorn	33.84	31.58	13.53	Adams	33.84	31.58	13.53
Warren	33.84	31.58	13.53	Walthall	33.84	31.58	13.53
Union	33.84	31.58	13.53	Tunica	33.84	31.58	13.53
Tishomingo	33.84	31.58	13.53	Tippah	33.84	31.58	13.53

Tate.....	33.84	31.58	13.53	Tallahatchie.....
33.84 31.58 13.53				
Sunflower.....	33.84	31.58	13.53	Stone.....
33.84 31.58 13.53				
Smith.....	33.84	31.58	13.53	Simpson.....
33.84 31.58 13.53				
Sharkey.....	33.84	31.58	13.53	Scott.....
33.84 31.58 13.53				
Quitman.....	33.84	31.58	13.53	Prentiss.....
33.84 31.58 13.53				
Pontotoc.....	33.84	31.58	13.53	Pike.....
33.84 31.58 13.53				
Perry.....	33.84	31.58	13.53	Pearl River.....
33.84 31.58 13.53				
Panola.....	33.84	31.58	13.53	Oktibbeha.....
33.84 31.58 13.53				
Noxubee.....	33.84	31.58	13.53	Newton.....
33.84 31.58 13.53				
Neshoba.....	33.84	31.58	13.53	Montgomery.....
33.84 31.58 13.53				
Monroe.....	33.84	31.58	13.53	Marshall.....
33.84 31.58 13.53				
Marion.....	33.84	31.58	13.53	Lowndes.....
33.84 31.58 13.53				
Lincoln.....	33.84	31.58	13.53	Leflore.....
33.84 31.58 13.53				
Lee.....	33.84	31.58	13.53	Leake.....
33.84 31.58 13.53				
Lawrence.....	33.84	31.58	13.53	Lauderdale.....
33.84 31.58 13.53				
Lafayette.....	33.84	31.58	13.53	Kemper.....
33.84 31.58 13.53				
Jones.....	33.84	31.58	13.53	Jefferson Davis.....
33.84 31.58 13.53				
Jefferson.....	33.84	31.58	13.53	Jasper.....

	33.84	31.58	13.53					
Itawamba	33.84	31.58	13.53	Issaquena	33.84	31.58	13.53	
Humphreys	33.84	31.58	13.53	Holmes	33.84	31.58	13.53	
Grenada	33.84	31.58	13.53	Greene	33.84	31.58	13.53	
George	33.84	31.58	13.53	Franklin	33.84	31.58	13.53	

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M I S S I S S I P P I continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Covington	33.84	31.58	13.53	Copiah
Coahoma	33.84	31.58	13.53	Clay
Clarke	33.84	31.58	13.53	Claiborne
Choctaw	33.84	31.58	13.53	Chickasaw
Carroll	33.84	31.58	13.53	Calhoun
Bolivar	33.84	31.58	13.53	Benton
Attala	33.84	31.58	13.53	Amite
Yazoo	33.84	31.58	13.53	Yalobusha
Winston	33.84	31.58	13.53	Wilkinson
Webster	33.84	31.58	13.53	Wayne
Washington	33.84	31.58	13.53	

M I S S O U R I

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Columbia, MO MSA	33.59	31.34	13.44	Boone
Joplin, MO MSA	33.39	31.16	13.36	Newton, Jasper

Kansas City, MO-KS MSA	38.14	35.60	15.26	Clay, Cass, Platte, Lafayette, Jackson, Clinton, Ray
St. Joseph, MO MSA	33.39	31.16	13.36	Andrew, Buchanan
St. Louis, MO-IL MSA	39.24	36.61	15.70	Crawford-Sullivan (part), St. Charles, Lincoln, Jefferson Franklin, St. Louis city, Warren, St. Louis
Springfield, MO MSA	33.39	31.16	13.36	Christian, Webster, Greene

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Atchison	33.39	31.16	13.36	Adair
Hickory	33.39	31.16	13.36	Henry
Harrison	33.39	31.16	13.36	Grundy
Gentry	33.39	31.16	13.36	Gasconade
Dunklin	33.39	31.16	13.36	Douglas
Dent	33.39	31.16	13.36	Dekalb
Daviess	33.39	31.16	13.36	Dallas
Dade	33.39	31.16	13.36	Crawford
Cooper	33.39	31.16	13.36	Cole
Clark	33.39	31.16	13.36	Chariton
Cedar	33.39	31.16	13.36	Carter
Carroll	33.39	31.16	13.36	Cape Girardeau

33.39	31.16	13.36			
Camden.....	33.39	31.16	13.36		Callaway.....
33.39	31.16	13.36			
Caldwell.....	33.39	31.16	13.36		Butler.....
33.39	31.16	13.36			
Bollinger.....	33.39	31.16	13.36		Benton.....
33.39	31.16	13.36			
Bates.....	33.39	31.16	13.36		Barton.....
33.39	31.16	13.36			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M I S S O U R I continued

NONMETROPOLITAN COUNTIES	A	B	C
Barry	33.39	31.16	13.36
Wright	33.39	31.16	13.36
Wayne	33.39	31.16	13.36
Vernon	33.39	31.16	13.36
Taney	33.39	31.16	13.36
Stone	33.39	31.16	13.36
Shelby	33.39	31.16	13.36
Scott	33.39	31.16	13.36
Schuyler	33.39	31.16	13.36
St. Francois	33.39	31.16	13.36
St. Clair	33.39	31.16	13.36
Reynolds	33.39	31.16	13.36
Ralls	33.39	31.16	13.36
Pulaski	33.39	31.16	13.36
Pike	33.39	31.16	13.36

NONMETROPOLITAN COUNTIES	A	B	C
Audrain	33.39	31.16	13.36
Worth	33.39	31.16	13.36
Washington	33.39	31.16	13.36
Texas	33.39	31.16	13.36
Sullivan	33.39	31.16	13.36
Stoddard	33.39	31.16	13.36
Shannon	33.39	31.16	13.36
Scotland	33.39	31.16	13.36
Saline	33.39	31.16	13.36
Ste. Genevieve	33.39	31.16	13.36
Ripley	33.39	31.16	13.36
Randolph	33.39	31.16	13.36
Putnam	33.39	31.16	13.36
Polk	33.39	31.16	13.36
Phelps	33.39	31.16	13.36

33.39	31.16	13.36			
Pettis	33.39	31.16	13.36	Perry	33.39	31.16	13.36
Pemiscot	33.39	31.16	13.36	Ozark	33.39	31.16	13.36
Osage	33.39	31.16	13.36	Oregon	33.39	31.16	13.36
Nodaway	33.39	31.16	13.36	New Madrid	33.39	31.16	13.36
Morgan	33.39	31.16	13.36	Montgomery	33.39	31.16	13.36
Monroe	33.39	31.16	13.36	Moniteau	33.39	31.16	13.36
Mississippi	33.39	31.16	13.36	Miller	33.39	31.16	13.36
Mercer	33.39	31.16	13.36	Marion	33.39	31.16	13.36
Maries	33.39	31.16	13.36	Madison	33.39	31.16	13.36
Macon	33.39	31.16	13.36	Mcdonald	33.39	31.16	13.36
Livingston	33.39	31.16	13.36	Linn	33.39	31.16	13.36
Lewis	33.39	31.16	13.36	Lawrence	33.39	31.16	13.36
Laclede	33.39	31.16	13.36	Knox	33.39	31.16	13.36
Johnson	33.39	31.16	13.36	Iron	33.39	31.16	13.36
Howell	33.39	31.16	13.36	Howard	33.39	31.16	13.36
Holt	33.39	31.16	13.36				

M O N T A N A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Billings, MT MSA	45.29	42.27	18.12	Yellowstone
Great Falls, MT MSA	40.10	37.43	16.04	Cascade

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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M O N T A N A continued

NONMETROPOLITAN COUNTIES	A	B	C
Beaverhead	39.94	37.28	15.98
Big Horn	37.63	35.12	15.05
Wheatland	37.63	35.12	15.05
Treasure	37.63	35.12	15.05
Teton	37.14	34.66	14.86
Stillwater	37.63	35.12	15.05
Sheridan	37.14	34.66	14.86
Rosebud	37.63	35.12	15.05
Richland	37.63	35.12	15.05
Prairie	37.63	35.12	15.05
Powder River	37.63	35.12	15.05
Phillips	37.14	34.66	14.86
Park	39.94	37.28	15.98
Missoula	40.76	38.05	16.31
Meagher	39.94	37.28	15.98

NONMETROPOLITAN COUNTIES	A	B	C
Blaine	37.14	34.66	14.86
Wibaux	37.63	35.12	15.05
Valley	37.14	34.66	14.86
Toole	37.63	35.12	15.05
Sweet Grass	37.63	35.12	15.05
Silver Bow	39.94	37.28	15.98
Sanders	40.76	38.05	16.31
Roosevelt	37.14	34.66	14.86
Ravalli	40.76	38.05	16.31
Powell	39.94	37.28	15.98
Pondera	37.14	34.66	14.86
Petroleum	37.63	35.12	15.05
Musselshell	37.63	35.12	15.05
Mineral	40.76	38.05	16.31
Madison	39.94	37.28	15.98

39.94	37.28	15.98			
Mccone	37.63	35.12	15.05		Lincoln
40.76	38.05	16.31			
Liberty	37.14	34.66	14.86		Lewis and Clark
46.45	43.35	18.58			
Lake	40.76	38.05	16.31		Judith Basin
37.63	35.12	15.05			
Jefferson	39.94	37.28	15.98		Hill
37.14	34.66	14.86			
Granite	39.94	37.28	15.98		Golden Valley
37.63	35.12	15.05			
Glacier	37.14	34.66	14.86		Garfield
37.63	35.12	15.05			
Gallatin	44.80	41.81	17.92		Flathead
40.76	38.05	16.31			
Fergus	37.63	35.12	15.05		Fallon
37.63	35.12	15.05			
Deer Lodge	39.94	37.28	15.98		Dawson
37.63	35.12	15.05			
Daniels	37.14	34.66	14.86		Custer
37.63	35.12	15.05			
Chouteau	37.14	34.66	14.86		Carter
37.63	35.12	15.05			
Carbon	37.63	35.12	15.05		Broadwater
39.94	37.28	15.98			

N E B R A S K A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Lincoln, NE MSA	36.73	34.27	14.69	Lancaster
Omaha, NE-IA MSA	37.21	34.73	14.88	Washington, Sarpy, Douglas, Cass
Sioux City, IA-NE MSA	36.58	34.14	14.63	Dakota

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N E B R A S K A continued

NONMETROPOLITAN COUNTIES	A	B	C
Adams	33.16	30.95	13.27
Antelope	33.16	30.95	13.27
Boone	33.16	30.95	13.27
Banner	33.16	30.95	13.27
Richardson	33.16	30.95	13.27
Polk	33.16	30.95	13.27
Pierce	33.16	30.95	13.27
Perkins	33.16	30.95	13.27
Otoe	33.16	30.95	13.27
Nemaha	33.16	30.95	13.27
Morrill	33.16	30.95	13.27
Madison	33.16	30.95	13.27
Loup	33.16	30.95	13.27
Lincoln	33.16	30.95	13.27
Kimball	33.16	30.95	13.27

NONMETROPOLITAN COUNTIES	A	B	C
Arthur	33.16	30.95	13.27
Box Butte	33.16	30.95	13.27
Blaine	33.16	30.95	13.27
Rock	33.16	30.95	13.27
Red Willow	33.16	30.95	13.27
Platte	33.16	30.95	13.27
Phelps	33.16	30.95	13.27
Pawnee	33.16	30.95	13.27
Nuckolls	33.16	30.95	13.27
Nance	33.16	30.95	13.27
Merrick	33.16	30.95	13.27
Mcpherson	33.16	30.95	13.27
Logan	33.16	30.95	13.27
Knox	33.16	30.95	13.27
Keya Paha	33.16	30.95	13.27

33.16	30.95	13.27			
Keith.....	33.16	30.95	13.27	Kearney.....	33.16	30.95	13.27
Johnson.....	33.16	30.95	13.27	Jefferson.....	33.16	30.95	13.27
Howard.....	33.16	30.95	13.27	Hooker.....	33.16	30.95	13.27
Holt.....	33.16	30.95	13.27	Hitchcock.....	33.16	30.95	13.27
Hayes.....	33.16	30.95	13.27	Harlan.....	33.16	30.95	13.27
Hamilton.....	33.16	30.95	13.27	Hall.....	33.16	30.95	13.27
Greeley.....	33.16	30.95	13.27	Grant.....	33.16	30.95	13.27
Gosper.....	33.16	30.95	13.27	Garfield.....	33.16	30.95	13.27
Garden.....	33.16	30.95	13.27	Gage.....	33.16	30.95	13.27
Furnas.....	33.16	30.95	13.27	Frontier.....	33.16	30.95	13.27
Franklin.....	33.16	30.95	13.27	Fillmore.....	33.16	30.95	13.27
Dundy.....	33.16	30.95	13.27	Dodge.....	33.16	30.95	13.27
Dixon.....	33.16	30.95	13.27	Deuel.....	33.16	30.95	13.27
Dawson.....	33.16	30.95	13.27	Dawes.....	33.16	30.95	13.27
Custer.....	33.16	30.95	13.27	Cuming.....	33.16	30.95	13.27
Colfax.....	33.16	30.95	13.27	Clay.....	33.16	30.95	13.27
Cheyenne.....	33.16	30.95	13.27	Cherry.....	33.16	30.95	13.27

Chase.....	33.16	30.95	13.27	Cedar.....	33.16	30.95	13.27
Butler.....	33.16	30.95	13.27	Burt.....	33.16	30.95	13.27
Buffalo.....	33.16	30.95	13.27	Brown.....	33.16	30.95	13.27
Boyd.....	33.16	30.95	13.27	York.....	33.16	30.95	13.27
Wheeler.....	33.16	30.95	13.27	Webster.....	33.16	30.95	13.27
Wayne.....	33.16	30.95	13.27	Valley.....	33.16	30.95	13.27
Thurston.....	33.16	30.95	13.27	Thomas.....	33.16	30.95	13.27
Thayer.....	33.16	30.95	13.27	Stanton.....	33.16	30.95	13.27

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N E B R A S K A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Sioux	33.16	30.95	13.27	Sherman
Sheridan	33.16	30.95	13.27	Seward
Scotts Bluff	33.16	30.95	13.27	Saunders
Saline	33.16	30.95	13.27	

N E V A D A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Las Vegas, NV-AZ MSA	55.08	51.41	22.03	Nye, Clark
Reno, NV MSA	47.71	44.53	19.09	Washoe

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Churchill	48.10	44.90	19.24	Eureka
Esmeralda	48.10	44.90	19.24	Elko
Douglas	49.79	46.47	19.91	White Pine
Storey	48.10	44.90	19.24	Pershing
Mineral	48.10	44.90	19.24	Lyon
Lincoln	48.10	44.90	19.24	Lander

48.10	44.90	19.24		
Humboldt.....	48.10	44.90	19.24	Carson City.....
48.10	44.90	19.24		

N E W H A M P S H I R E

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Boston, MA-NH PMSA.....	62.74	58.55	25.10	Rockingham
county towns of Seabrook town				
				South Hampton
town				
Lawrence, MA-NH PMSA.....	50.41	47.05	20.16	Rockingham
county towns of Atkinson town, Chester town				
				Danville town,
Derry town, Fremont town, Hampstead town				
				Kingston town,
Newton town, Plaistow town, Raymond town				
				Salem town,
Sandown town, Windham town				
Lowell, MA-NH PMSA.....	52.66	49.14	21.06	Hillsborough
county towns of Pelham town				
Manchester, NH PMSA.....	50.48	47.11	20.19	Rockingham
county towns of Auburn town, Candia town				
				Londonderry
town				
				Merrimack
county towns of Allenstown town, Hooksett town				
				Hillsborough
county towns of Bedford town, Goffstown town				
				Manchester
city, Weare town				
Nashua, NH PMSA.....	53.63	50.05	21.45	Hillsborough
county towns of Amherst town, Brookline town				
				Greenville
town, Hollis town, Hudson town				
				Litchfield
town, Mason town, Merrimack town				

Mont Vernon town, Nashua city				Milford town,
town, Wilton town				New Ipswich
Portsmouth-Rochester, NH-ME PMSA.....	52.27	48.79	20.91	Strafford county
towns of Barrington town, Dover city				Durham town,
Farmington town, Lee town, Madbury town				Milton town,
Rochester city, Rollinsford town				

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N E W H A M P S H I R E continued

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
				Somersworth city
				Rockingham county towns of Brentwood town
				East Kingston town, Epping town, Exeter town
				Greenland town, Hampton town, Hampton Falls town
				Kensington town, New Castle town, Newfields town
				Newington town, Newmarket town, North Hampton town
				Portsmouth city, Rye town, Stratham town

NONMETROPOLITAN COUNTIES non metropolitan counties	A	B	C	Towns within
Carroll	44.48	41.51	17.79	
Belknap	44.25	41.30	17.70	
Hillsborough	57.00	53.20	22.80	Antrim town, Bennington town, Deering town
				Francestown town, Greenfield town, Hancock town
				Hillsborough town, Lyndeborough town, New Boston town
				Peterborough town, Sharon town, Temple town
				Windsor town
Grafton	45.68	42.63	18.27	
Coos	40.27	37.59	16.11	

Cheshire	52.50	49.00	21.00	
Sullivan	42.90	40.04	17.16	
Strafford	50.76	47.38	20.30	Middleton town, New Durham town, Strafford town
Rockingham	55.05	51.38	22.02	Deerfield town, Northwood town, Nottingham town
Merrimack	56.18	52.43	22.47	Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town

N E W J E R S E Y

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Atlantic-Cape May, NJ PMSA	56.05	52.32	22.42	Cape May, Atlantic
Bergen-Passaic, NJ PMSA	67.88	63.36	27.15	Passaic, Bergen
Jersey City, NJ PMSA	56.57	52.80	22.63	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	67.88	63.36	27.15	Hunterdon, Somerset, Middlesex
Monmouth-Ocean, NJ PMSA	66.45	62.01	26.58	Ocean, Monmouth
Newark, NJ PMSA	66.28	61.85	26.51	Morris, Essex, Warren, Union, Sussex

Philadelphia, PA-NJ PMSA.....	52.12	48.65	20.85	Burlington, Salem, Gloucester, Camden
Trenton, NJ PMSA.....	65.12	60.78	26.05	Mercer
Vineland-Millville-Bridgeton, NJ PMSA.....	53.88	50.29	21.55	Cumberland

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N E W M E X I C O

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Albuquerque, NM MSA	44.84	41.86	17.94	Bernalillo, Valencia, Sandoval
Las Cruces, NM MSA	35.59	33.21	14.24	Dona Ana
Santa Fe, NM MSA	53.07	49.53	21.23	Los Alamos, Santa Fe

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Catron	34.16	31.88	13.66	Otero	34.56	32.25	13.82
Mora	34.16	31.88	13.66	Mckinley	44.13	41.19	17.65
Luna	34.16	31.88	13.66	Lincoln	34.56	32.25	13.82
Lea	38.15	35.61	15.26	Hidalgo	34.16	31.88	13.66
Harding	34.16	31.88	13.66	Guadalupe	34.16	31.88	13.66
Grant	34.16	31.88	13.66	Eddy	38.15	35.61	15.26
Debaca	34.16	31.88	13.66	Curry	34.16	31.88	13.66
Colfax	34.16	31.88	13.66	Cibola	34.16	31.88	13.66
Chaves	34.56	32.25	13.82	Union	34.16	31.88	13.66
Torrance	34.16	31.88	13.66	Taos	36.43	34.00	14.57

Socorro.....	34.56	32.25	13.82	Sierra.....	34.56 32.25 13.82
San Miguel.....	34.16	31.88	13.66	San Juan.....	44.13 41.19 17.65
Roosevelt.....	34.16	31.88	13.66	Rio Arriba.....	34.16 31.88 13.66
Quay.....	34.16	31.88	13.66		

N E W Y O R K

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Albany-Schenectady-Troy, NY MSA.....	45.43	42.40	18.17	Montgomery, Albany, Schoharie, Schenectady, Saratoga Rensselaer
Binghamton, NY MSA.....	39.65	37.00	15.86	Tioga, Broome
Buffalo-Niagara Falls, NY PMSA.....	39.08	36.48	15.63	Niagara, Erie
Dutchess County, NY PMSA.....	62.59	58.42	25.04	Dutchess
Elmira, NY MSA.....	40.37	37.67	16.15	Chemung
Glens Falls, NY MSA.....	43.01	40.14	17.20	Washington, Warren
Jamestown, NY MSA.....	37.39	34.90	14.96	Chautauqua
Nassau-Suffolk, NY PMSA.....	65.08	60.75	26.03	Nassau, Suffolk
New York, NY PMSA.....	56.57	52.80	22.63	Bronx, Queens, Putnam, New York, Kings, Rockland Richmond
Westchester County, NY.....	65.08	60.75	26.03	Westchester
Newburgh, NY-PA PMSA.....	58.14	54.27	23.26	Orange
Rochester, NY MSA.....	47.83	44.64	19.13	Ontario, Monroe, Livingston, Genesee, Wayne, Orleans
Syracuse, NY MSA.....	41.81	39.03	16.72	Madison, Cayuga, Oswego, Onondaga
Utica-Rome, NY MSA.....	38.28	35.73	15.31	Oneida, Herkimer

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N E W Y O R K continued

NONMETROPOLITAN COUNTIES	A	B	C
St. Lawrence	39.17	36.56	15.67
38.76 36.18 15.51			
Lewis	41.08	38.34	16.43
43.01 40.14 17.20			
Hamilton	38.12	35.58	15.25
43.89 40.97 17.56			
Fulton	35.47	33.10	14.19
38.12 35.58 15.25			
Essex	38.12	35.58	15.25
38.76 36.18 15.51			
Cortland	43.18	40.30	17.27
40.95 38.22 16.38			
Clinton	39.65	37.00	15.86
41.49 38.72 16.59			
Cattaraugus	35.31	32.96	14.12
35.31 32.96 14.12			
Yates	39.32	36.70	15.73
39.17 36.56 15.67			
Ulster	51.16	47.76	20.47
44.69 41.71 17.87			
Sullivan	46.35	43.26	18.54
39.57 36.92 15.83			
Seneca	42.13	39.32	16.85
39.57 36.92 15.83			

NONMETROPOLITAN COUNTIES	A	B	C
Otsego			
Jefferson			
Greene			
Franklin			
Delaware			
Columbia			
Chenango			
Allegany			
Wyoming			
Tompkins			
Steuben			
Schuyler			

N O R T H C A R O L I N A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR

Asheville, NC MSA	34.38	32.09	13.75	Madison, Buncombe
Charlotte-Gastonia-Rock Hill, NC-SC MSA	37.66	35.15	15.07	Gaston, Cabarrus, Union, Rowan, Mecklenburg, Lincoln
Fayetteville, NC MSA	34.94	32.62	13.98	Cumberland
Goldsboro, NC MSA	34.38	32.09	13.75	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	35.58	33.21	14.23	Davidson, Alamance, Randolph, Guilford, Forsyth, Davie Yadkin, Stokes
Greenville, NC MSA	34.38	32.09	13.75	Pitt
Hickory-Morganton, NC MSA	36.22	33.81	14.49	Alexander, Catawba, Caldwell, Burke
Jacksonville, NC MSA	34.38	32.09	13.75	Onslow
Norfolk-Virginia Beach-Newport News, VA-NC MSA	43.35	40.46	17.34	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	41.07	38.33	16.43	Chatham, Franklin, Durham, Wake, Orange, Johnston
Rocky Mount, NC MSA	34.38	32.09	13.75	Edgecombe, Nash
Wilmington, NC MSA	34.38	32.09	13.75	Brunswick, New Hanover

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alleghany	34.38	32.09	13.75	Beaufort	34.38	32.09	13.75
Avery	34.38	32.09	13.75	Ashe	34.38	32.09	13.75
Anson	34.38	32.09	13.75	Granville	34.38	32.09	13.75
Graham	34.38	32.09	13.75	Gates	34.38	32.09	13.75
Duplin	34.38	32.09	13.75	Dare	34.38	32.09	13.75
Craven	34.38	32.09	13.75	Columbus	34.38	32.09	13.75

34.38	32.09	13.75			
Cleveland.....	34.38	32.09	13.75		Clay.....
34.38	32.09	13.75			
Chowan.....	34.38	32.09	13.75		Cherokee.....
34.38	32.09	13.75			
Caswell.....	34.38	32.09	13.75		Carteret.....
34.38	32.09	13.75			
Camden.....	34.38	32.09	13.75		Bladen.....
34.38	32.09	13.75			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N O R T H C A R O L I N A continued

NONMETROPOLITAN COUNTIES	A	B	C
Bertie	34.38	32.09	13.75
Sampson	34.38	32.09	13.75
Rockingham	34.38	32.09	13.75
Richmond	34.38	32.09	13.75
Person	34.38	32.09	13.75
Pender	34.38	32.09	13.75
Pamlico	34.38	32.09	13.75
Moore	34.38	32.09	13.75
Mitchell	34.38	32.09	13.75
Macon	34.38	32.09	13.75
Lenoir	34.38	32.09	13.75
Jones	34.38	32.09	13.75
Iredell	37.51	35.01	15.00
Hoke	34.38	32.09	13.75
Henderson	34.38	32.09	13.75

NONMETROPOLITAN COUNTIES	A	B	C
Scotland	34.38	32.09	13.75
Rutherford	34.38	32.09	13.75
Robeson	34.38	32.09	13.75
Polk	34.38	32.09	13.75
Perquimans	34.38	32.09	13.75
Pasquotank	34.38	32.09	13.75
Northampton	34.38	32.09	13.75
Montgomery	34.38	32.09	13.75
Martin	34.38	32.09	13.75
Mcdowell	34.38	32.09	13.75
Lee	34.70	32.38	13.88
Jackson	34.38	32.09	13.75
Hyde	34.38	32.09	13.75
Hertford	34.38	32.09	13.75
Haywood	34.38	32.09	13.75

34.38	32.09	13.75			
Harnett	34.38	32.09	13.75		Halifax
34.38	32.09	13.75			
Greene	34.38	32.09	13.75		Yancey
34.38	32.09	13.75			
Wilson	34.38	32.09	13.75		Wilkes
35.02	32.68	14.01			
Watauga	41.77	38.99	16.71		Washington
34.38	32.09	13.75			
Warren	34.38	32.09	13.75		Vance
34.38	32.09	13.75			
Tyrrell	34.38	32.09	13.75		Transylvania
34.38	32.09	13.75			
Swain	34.38	32.09	13.75		Surry
34.38	32.09	13.75			
Stanly	34.38	32.09	13.75		

N O R T H D A K O T A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Bismarck, ND MSA	37.04	34.57	14.82	Morton, Burleigh
Fargo-Moorhead, ND-MN MSA	36.97	34.50	14.79	Cass
Grand Forks, ND-MN MSA	35.33	32.98	14.13	Grand Forks

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
A B C				
Grant	33.10	30.89	13.24	Golden Valley
33.10	30.89	13.24		
Foster	33.10	30.89	13.24	Emmons
33.10	30.89	13.24		
Eddy	33.10	30.89	13.24	Dunn
33.10	30.89	13.24		
Divide	33.10	30.89	13.24	Dickey

33.10	30.89	13.24			
Cavalier.....	33.10	30.89	13.24		Burke.....
33.10	30.89	13.24			
Bowman.....	33.10	30.89	13.24		Bottineau.....
33.10	30.89	13.24			
Billings.....	33.10	30.89	13.24		Benson.....
33.10	30.89	13.24			
Barnes.....	33.10	30.89	13.24		Adams.....
33.10	30.89	13.24			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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N O R T H D A K O T A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Wells	33.10	30.89	13.24	Ward
Walsh	33.10	30.89	13.24	Traill
Towner	33.10	30.89	13.24	Stutsman
Steele	33.10	30.89	13.24	Stark
Slope	33.10	30.89	13.24	Sioux
Sheridan	33.10	30.89	13.24	Sargent
Rolette	33.10	30.89	13.24	Richland
Renville	33.10	30.89	13.24	Ransom
Ramsey	33.10	30.89	13.24	Pierce
Pembina	33.10	30.89	13.24	Oliver
Nelson	33.10	30.89	13.24	Mountrail
Mercer	33.10	30.89	13.24	Mclean
Mckenzie	33.10	30.89	13.24	Mcintosh
Mchenry	33.10	30.89	13.24	Logan
Lamoure	33.10	30.89	13.24	Kidder

33.10 30.89 13.24

Hettinger..... 33.10 30.89 13.24

Griggs.....
33.10 30.89 13.24

Williams..... 33.10 30.89 13.24

O H I O

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Akron, OH PMSA.....	39.72	37.07	15.89	Portage, Summit
Brown County, OH.....	34.22	31.94	13.69	Brown
Canton-Massillon, OH MSA.....	34.22	31.94	13.69	Stark, Carroll
Cincinnati, OH-KY-IN.....	39.10	36.49	15.64	Hamilton, Clermont, Warren
Cleveland-Lorain-Elyria, OH PMSA.....	40.37	37.68	16.15	Ashtabula, Geauga, Cuyahoga, Medina, Lorain, Lake
Columbus, OH MSA.....	38.30	35.74	15.32	Delaware, Pickaway, Madison, Licking, Franklin, Fairfield
Dayton-Springfield, OH MSA.....	35.67	33.29	14.27	Clark, Miami, Greene, Montgomery
Hamilton-Middletown, OH PMSA.....	40.63	37.92	16.25	Butler
Huntington-Ashland, WV-KY-OH MSA.....	34.88	32.55	13.95	Lawrence
Lima, OH MSA.....	34.78	32.46	13.91	Allen, Auglaize
Mansfield, OH MSA.....	34.22	31.94	13.69	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA.....	32.46	30.29	12.98	Washington
Steubenville-Weirton, OH-WV MSA.....	35.02	32.68	14.01	Jefferson
Toledo, OH MSA.....	40.13	37.46	16.05	Fulton, Wood, Lucas
Wheeling, WV-OH MSA.....	34.62	32.31	13.85	Belmont
Youngstown-Warren, OH MSA.....	34.78	32.46	13.91	Columbiana, Trumbull, Mahoning

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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O H I O continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Defiance	35.18	32.84	14.07	Darke
Coshocton	34.22	31.94	13.69	Clinton
Champaign	34.22	31.94	13.69	Athens
Ashland	34.22	31.94	13.69	Adams
Marion	34.22	31.94	13.69	Logan
Knox	34.22	31.94	13.69	Jackson
Huron	34.22	31.94	13.69	Holmes
Hocking	34.22	31.94	13.69	Highland
Henry	35.18	32.84	14.07	Harrison
Hardin	34.22	31.94	13.69	Hancock
Guernsey	34.22	31.94	13.69	Gallia
Fayette	34.22	31.94	13.69	Erie
Wyandot	34.22	31.94	13.69	Williams
Wayne	34.38	32.09	13.75	Vinton
Van Wert	34.22	31.94	13.69	Union

NONMETROPOLITAN COUNTIES	A	B	C
Defiance	34.22	31.94	13.69
Coshocton	34.22	31.94	13.69
Champaign	34.22	31.94	13.69
Ashland	34.22	31.94	13.69
Marion	34.22	31.94	13.69
Knox	34.22	31.94	13.69
Huron	34.22	31.94	13.69
Hocking	34.22	31.94	13.69
Henry	34.22	31.94	13.69
Hardin	34.30	32.01	13.72
Guernsey	34.22	31.94	13.69
Fayette	35.66	33.28	14.26
Wyandot	35.18	32.84	14.07
Wayne	34.22	31.94	13.69
Van Wert	34.22	31.94	13.69

38.13 35.60 15.25

Tuscarawas..... 34.22 31.94 13.69
35.00 32.67 14.00
Seneca..... 34.22 31.94 13.69
34.22 31.94 13.69
Sandusky..... 35.66 33.28 14.26
34.22 31.94 13.69
Putnam..... 34.22 31.94 13.69
34.30 32.01 13.72
Pike..... 34.22 31.94 13.69
34.22 31.94 13.69

Paulding..... 35.18 32.84 14.07
35.98 33.57 14.39
Noble..... 34.22 31.94 13.69
34.22 31.94 13.69
Morrow..... 34.22 31.94 13.69
34.22 31.94 13.69
Monroe..... 34.22 31.94 13.69
34.22 31.94 13.69
Meigs..... 34.22 31.94 13.69

Shelby.....
Scioto.....
Ross.....
Preble.....
Perry.....

Ottawa.....
Muskingum.....
Morgan.....
Mercer.....

O K L A H O M A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Enid, OK MSA	38.00	35.46	15.20	Garfield
Fort Smith, AR-OK MSA	33.03	30.83	13.21	Sequoyah
Lawton, OK MSA	34.38	32.09	13.75	Comanche
Oklahoma City, OK MSA	35.34	32.99	14.14	Mcclain, Logan, Cleveland, Canadian, Pottawatomie
Tulsa, OK MSA	34.38	32.09	13.75	Oklahoma Osage, Creek, Wagoner, Tulsa, Rogers

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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O K L A H O M A continued

NONMETROPOLITAN COUNTIES	A	B	C
Adair	34.38	32.09	13.75
Caddo	34.38	32.09	13.75
Blaine	34.38	32.09	13.75
Beaver	34.38	32.09	13.75
Alfalfa	34.38	32.09	13.75
Harmon	34.38	32.09	13.75
Grant	34.38	32.09	13.75
Garvin	34.38	32.09	13.75
Dewey	34.38	32.09	13.75
Custer	34.38	32.09	13.75
Cotton	34.38	32.09	13.75
Cimarron	34.38	32.09	13.75
Cherokee	34.38	32.09	13.75
Woods	34.38	32.09	13.75
Washington	34.38	32.09	13.75

NONMETROPOLITAN COUNTIES	A	B	C
Carter	34.38	32.09	13.75
Bryan	34.38	32.09	13.75
Beckham	34.38	32.09	13.75
Atoka	34.38	32.09	13.75
Harper	34.38	32.09	13.75
Greer	34.38	32.09	13.75
Grady	34.38	32.09	13.75
Ellis	34.38	32.09	13.75
Delaware	34.38	32.09	13.75
Craig	34.38	32.09	13.75
Coal	34.38	32.09	13.75
Choctaw	34.38	32.09	13.75
Woodward	34.38	32.09	13.75
Washita	34.38	32.09	13.75
Tillman	34.38	32.09	13.75

34.38	32.09	13.75			
Texas	34.38	32.09	13.75	Stephens	
34.38	32.09	13.75			
Seminole	34.38	32.09	13.75	Roger Mills	
34.38	32.09	13.75			
Pushmataha	34.38	32.09	13.75	Pontotoc	
34.38	32.09	13.75			
Pittsburg	34.38	32.09	13.75	Payne	
34.38	32.09	13.75			
Pawnee	34.38	32.09	13.75	Ottawa	
34.38	32.09	13.75			
Okmulgee	34.38	32.09	13.75	Okfuskee	
34.38	32.09	13.75			
Nowata	34.38	32.09	13.75	Noble	
34.38	32.09	13.75			
Muskogee	34.38	32.09	13.75	Murray	
34.38	32.09	13.75			
Mayes	34.38	32.09	13.75	Marshall	
34.38	32.09	13.75			
Major	34.38	32.09	13.75	Mcintosh	
34.38	32.09	13.75			
Mccurtain	34.38	32.09	13.75	Love	
34.38	32.09	13.75			
Lincoln	34.38	32.09	13.75	Le Flore	
34.38	32.09	13.75			
Latimer	34.38	32.09	13.75	Kiowa	
34.38	32.09	13.75			
Kingfisher	34.38	32.09	13.75	Kay	
34.38	32.09	13.75			
Johnston	34.38	32.09	13.75	Jefferson	
34.38	32.09	13.75			
Jackson	34.38	32.09	13.75	Hughes	
34.38	32.09	13.75			
Haskell	34.38	32.09	13.75		

O R E G O N

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Eugene-Springfield, OR MSA.....	48.93	45.66	19.57	Lane
Medford-Ashland, OR MSA.....	48.61	45.36	19.44	Jackson
Portland-Vancouver, OR-WA PMSA.....	42.57	39.73	17.03	Yamhill, Washington, Multnomah, Columbia, Clackamas

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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O R E G O N continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Salem, OR PMSA	45.71	42.67	18.29	Marion, Polk

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Baker	44.42	41.46	17.77	Lincoln 43.21 40.33 17.28
Lake	42.41	39.58	16.96	Klamath 42.41 39.58 16.96
Josephine	46.43	43.34	18.57	Jefferson 47.00 43.86 18.80
Hood River	47.00	43.86	18.80	Harney 42.41 39.58 16.96
Grant	44.42	41.46	17.77	Gilliam 44.42 41.46 17.77
Douglas	46.43	43.34	18.57	Deschutes 47.00 43.86 18.80
Curry	46.43	43.34	18.57	Crook 47.00 43.86 18.80
Coos	46.43	43.34	18.57	Clatsop 43.21 40.33 17.28
Benton	45.31	42.29	18.12	Wheeler 44.42 41.46 17.77
Wasco	47.00	43.86	18.80	Wallowa 44.42 41.46 17.77
Union	44.42	41.46	17.77	Umatilla 44.42 41.46 17.77
Tillamook	43.21	40.33	17.28	Sherman 47.00 43.86 18.80

Morrow	44.42	41.46	17.77	Malheur
42.41	39.58	16.96		
Linn	45.31	42.29	18.12	

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Allentown-Bethlehem-Easton, PA MSA	44.39	41.43	17.76	Lehigh, Carbon, Northampton
Altoona, PA MSA	38.44	35.88	15.38	Blair
Erie, PA MSA	44.16	41.21	17.66	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	45.43	42.40	18.17	Cumberland, Perry, Lebanon, Dauphin
Johnstown, PA MSA	37.33	34.84	14.93	Cambria, Somerset
Lancaster, PA MSA	46.14	43.07	18.46	Lancaster
Newburgh, NY-PA PMSA	53.24	49.69	21.30	Pike
Philadelphia, PA-NJ PMSA	52.12	48.65	20.85	Bucks, Philadelphia, Montgomery, Delaware, Chester
Pittsburgh, PA PMSA	36.38	33.95	14.55	Fayette, Butler, Beaver, Allegheny, Westmoreland Washington
Reading, PA MSA	43.29	40.41	17.31	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	35.27	32.92	14.11	Columbia, Wyoming, Luzerne, Lackawanna
Sharon, PA MSA	40.98	38.25	16.39	Mercer
State College, PA MSA	49.49	46.18	19.79	Centre
Williamsport, PA MSA	37.33	34.84	14.93	Lycoming
York, PA MSA	41.70	38.92	16.68	York

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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P E N N S Y L V A N I A continued

NONMETROPOLITAN COUNTIES	A	B	C
Adams	41.70	38.92	16.68
35.98 33.58 14.39			
Bradford	35.50	33.13	14.20
34.55 32.25 13.82			
Armstrong	42.73	39.88	17.09
36.38 33.95 14.55			
Mc Kean	35.98	33.58	14.39
36.46 34.03 14.58			
Juniata	35.59	33.21	14.23
36.78 34.32 14.71			
Indiana	42.73	39.88	17.09
34.55 32.25 13.82			
Greene	36.78	34.32	14.71
34.55 32.25 13.82			
Franklin	39.32	36.69	15.73
35.19 32.84 14.08			
Elk	35.98	33.58	14.39
36.46 34.03 14.58			
Clinton	35.66	33.29	14.27
36.78 34.32 14.71			
Clarion	35.19	32.84	14.08
43.53 40.62 17.41			
Warren	36.46	34.03	14.58
35.19 32.84 14.08			
Union	41.62	38.84	16.65
35.50 33.13 14.20			
Susquehanna	35.50	33.13	14.20
35.50 33.13 14.20			
Snyder	35.59	33.21	14.23

NONMETROPOLITAN COUNTIES	A	B	C
Cameron	42.73	39.88	17.09
34.55 32.25 13.82			
Bedford	35.98	33.58	14.39
36.46 34.03 14.58			
Mifflin	35.59	33.21	14.23
36.78 34.32 14.71			
Lawrence	35.98	33.58	14.39
36.46 34.03 14.58			
Jefferson	35.66	33.29	14.27
36.78 34.32 14.71			
Huntingdon	36.78	34.32	14.71
34.55 32.25 13.82			
Fulton	35.19	32.84	14.08
34.55 32.25 13.82			
Forest	39.32	36.69	15.73
35.19 32.84 14.08			
Crawford	35.98	33.58	14.39
36.46 34.03 14.58			
Clearfield	35.66	33.29	14.27
36.78 34.32 14.71			
Wayne	43.53	40.62	17.41
35.19 32.84 14.08			
Venango	36.46	34.03	14.58
35.19 32.84 14.08			
Tioga	41.62	38.84	16.65
35.50 33.13 14.20			
Sullivan	35.50	33.13	14.20
35.50 33.13 14.20			
Schuylkill	35.59	33.21	14.23

39.71	37.06	15.88		
Potter.....	35.98	33.58	14.39	Northumberland.....
36.78	34.32	14.71		
Montour.....	36.78	34.32	14.71	Monroe.....
46.94	43.81	18.78		

R H O D E I S L A N D

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
New London-Norwich, CT-RI MSA.....	54.86	51.20	21.94	Washington
county towns of Hopkinton town, Westerly town				
Providence-Fall River-Warwick, RI-MA PMSA.....	51.92	48.45	20.77	Kent county
towns of Coventry town, East Greenwich tow				
				Warwick city,
West Greenwich tow, West Warwick town				
				Bristol county
towns of Barrington town, Bristol town				
				Warren town
				Washington
county towns of Charlestown town, Exeter town				
				Narragansett
town, North Kingstown to, Richmond town				
				South
Kingstown to				
				Providence
county towns of Burrillville town				
				Central Falls
city, Cranston city, Cumberland town				
				East
Providence ci, Foster town, Glocester town				
				Johnston town,
Lincoln town, North Providence t				
				North
Smithfield t, Pawtucket city, Providence city				
				Scituate town,
Smithfield town, Woonsocket city				

towns of Jamestown town	Newport county
tow, Tiverton town	Little Compton

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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R H O D E I S L A N D continued

NONMETROPOLITAN COUNTIES non metropolitan counties	A	B	C	Towns within
Newport	61.14	57.06	24.45	Middletown town, Newport city, Portsmouth town
Washington	46.74	43.62	18.70	New Shoreham town

S O U T H C A R O L I N A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Augusta-Aiken, GA-SC MSA	34.42	32.14	13.77	Aiken, Edgefield
Charleston-North Charleston, SC MSA	37.26	34.78	14.90	Berkeley, Dorchester, Charleston
Charlotte-Gastonia-Rock Hill, NC-SC MSA	37.66	35.15	15.07	York
Columbia, SC MSA	37.66	35.15	15.06	Lexington, Richland
Florence, SC MSA	33.36	31.13	13.34	Florence
Greenville-Spartanburg-Anderson, SC MSA	33.36	31.13	13.34	Cherokee, Anderson, Spartanburg, Pickens, Greenville
Myrtle Beach, SC MSA	33.36	31.13	13.34	Horry
Sumter, SC MSA	33.36	31.13	13.34	Sumter

NONMETROPOLITAN COUNTIES	A	B	C
Abbeville	33.36	31.13	13.34
Allendale	33.36	31.13	13.34
Bamberg	33.36	31.13	13.34
Darlington	33.36	31.13	13.34

Colleton	33.36	31.13	13.34	Clarendon
33.36	31.13	13.34		
Chesterfield	33.36	31.13	13.34	Chester
33.36	31.13	13.34		
Calhoun	33.36	31.13	13.34	Beaufort
34.04	31.76	13.62		
Barnwell	33.36	31.13	13.34	Orangeburg
33.36	31.13	13.34		
Oconee	33.36	31.13	13.34	Newberry
33.36	31.13	13.34		
Marlboro	33.36	31.13	13.34	Marion
33.36	31.13	13.34		
Mccormick	33.36	31.13	13.34	Lee
33.36	31.13	13.34		
Laurens	33.36	31.13	13.34	Lancaster
33.36	31.13	13.34		
Kershaw	33.36	31.13	13.34	Jasper
33.36	31.13	13.34		
Hampton	33.36	31.13	13.34	Greenwood
33.36	31.13	13.34		
Georgetown	33.36	31.13	13.34	Fairfield
33.36	31.13	13.34		
Dillon	33.36	31.13	13.34	Williamsburg
33.36	31.13	13.34		
Union	33.36	31.13	13.34	Saluda
33.36	31.13	13.34		

S O U T H D A K O T A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Rapid City, SD MSA	35.98	33.58	14.39	Pennington
Sioux Falls, SD MSA	38.42	35.86	15.37	Minnehaha, Lincoln

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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S O U T H D A K O T A continued

NONMETROPOLITAN COUNTIES	A	B	C
Beadle	34.77	32.45	13.91
Campbell	34.77	32.45	13.91
Buffalo	34.77	32.45	13.91
Brown	34.77	32.45	13.91
Bon Homme	34.77	32.45	13.91
Gregory	34.77	32.45	13.91
Faulk	34.77	32.45	13.91
Edmunds	34.77	32.45	13.91
Dewey	34.77	32.45	13.91
Day	34.77	32.45	13.91
Custer	34.77	32.45	13.91
Codington	34.77	32.45	13.91
Clark	34.77	32.45	13.91
Tripp	34.77	32.45	13.91
Sully	34.77	32.45	13.91

A	B	C	NONMETROPOLITAN COUNTIES
34.77	32.45	13.91	Aurora
34.77	32.45	13.91	Butte
34.77	32.45	13.91	Brule
34.77	32.45	13.91	Brookings
34.77	32.45	13.91	Bennett
34.77	32.45	13.91	Grant
34.77	32.45	13.91	Fall River
34.77	32.45	13.91	Douglas
34.77	32.45	13.91	Deuel
34.77	32.45	13.91	Davison
34.77	32.45	13.91	Corson
34.77	32.45	13.91	Clay
34.77	32.45	13.91	Charles Mix
34.77	32.45	13.91	Todd
34.77	32.45	13.91	Stanley

37.77	35.25	15.11			
Spink	34.77	32.45	13.91	Shannon	
34.77	32.45	13.91			
Sanborn	34.77	32.45	13.91	Roberts	
34.77	32.45	13.91			
Potter	34.77	32.45	13.91	Perkins	
34.77	32.45	13.91			
Moody	34.77	32.45	13.91	Miner	
34.77	32.45	13.91			
Mellette	34.77	32.45	13.91	Meade	
34.77	32.45	13.91			
Marshall	34.77	32.45	13.91	Mcpherson	
34.77	32.45	13.91			
Mccook	34.77	32.45	13.91	Lyman	
34.77	32.45	13.91			
Lawrence	34.77	32.45	13.91	Lake	
34.77	32.45	13.91			
Kingsbury	34.77	32.45	13.91	Jones	
34.77	32.45	13.91			
Jerauld	34.77	32.45	13.91	Jackson	
34.77	32.45	13.91			
Hyde	34.77	32.45	13.91	Hutchinson	
34.77	32.45	13.91			
Hughes	37.77	35.25	15.11	Harding	
34.77	32.45	13.91			
Hanson	34.77	32.45	13.91	Hand	
34.77	32.45	13.91			
Hamlin	34.77	32.45	13.91	Haakon	
34.77	32.45	13.91			
Ziebach	34.77	32.45	13.91	Yankton	
34.77	32.45	13.91			
Walworth	34.77	32.45	13.91	Union	
34.77	32.45	13.91			
Turner	34.77	32.45	13.91		

T E N N E S S E E

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Chattanooga, TN-GA MSA.....	37.74	35.22	15.10	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA.....	38.40	35.84	15.36	Montgomery
Jackson, TN MSA.....	35.12	32.78	14.05	Madison

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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T E N N E S S E E continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Johnson City-Kingsport-Bristol, TN-VA MSA.....	35.12	32.78	14.05	Carter, Sullivan, Hawkins, Washington, Unicoi
Knoxville, TN MSA.....	35.36	33.00	14.14	Blount, Anderson, Union, Sevier, Loudon, Knox
Memphis, TN-AR-MS MSA.....	37.90	35.38	15.16	Tipton, Shelby, Fayette
Nashville, TN MSA.....	42.01	39.20	16.80	Cheatham, Wilson, Williamson, Sumner, Rutherford Dickson, Davidson Robertson,

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Bedford.....	35.12	32.78	14.05	Houston..... 35.12 32.78 14.05
Hickman.....	35.12	32.78	14.05	Henry..... 35.12 32.78 14.05
Henderson.....	35.12	32.78	14.05	Haywood..... 35.12 32.78 14.05
Hardin.....	35.12	32.78	14.05	Hardeman..... 35.12 32.78 14.05
Hancock.....	35.12	32.78	14.05	Hamblen..... 35.12 32.78 14.05
Grundy.....	35.12	32.78	14.05	Greene..... 35.12 32.78 14.05
Grainger.....	35.12	32.78	14.05	Giles..... 35.12 32.78 14.05
Gibson.....	35.12	32.78	14.05	Franklin..... 35.12 32.78 14.05

Fentress.....	35.12	32.78	14.05	Dyer.....
35.12	32.78	14.05		
Dekalb.....	35.12	32.78	14.05	Decatur.....
35.12	32.78	14.05		
Cumberland.....	35.12	32.78	14.05	Crockett.....
35.12	32.78	14.05		
Coffee.....	35.12	32.78	14.05	Cocke.....
35.12	32.78	14.05		
Clay.....	35.12	32.78	14.05	Claiborne.....
35.12	32.78	14.05		
Chester.....	35.12	32.78	14.05	Carroll.....
35.12	32.78	14.05		
Cannon.....	35.12	32.78	14.05	Campbell.....
35.12	32.78	14.05		
Bradley.....	35.12	32.78	14.05	Bledsoe.....
35.12	32.78	14.05		
Benton.....	35.12	32.78	14.05	White.....
35.12	32.78	14.05		
Weakley.....	35.12	32.78	14.05	Wayne.....
35.12	32.78	14.05		
Warren.....	35.12	32.78	14.05	Van Buren.....
35.12	32.78	14.05		
Trousdale.....	35.12	32.78	14.05	Stewart.....
35.12	32.78	14.05		
Smith.....	35.12	32.78	14.05	Sequatchie.....
37.74	35.22	15.10		
Scott.....	35.12	32.78	14.05	Roane.....
35.12	32.78	14.05		
Rhea.....	35.12	32.78	14.05	Putnam.....
35.12	32.78	14.05		
Polk.....	35.12	32.78	14.05	Pickett.....
35.12	32.78	14.05		
Perry.....	35.12	32.78	14.05	Overton.....
35.12	32.78	14.05		
Obion.....	35.12	32.78	14.05	Morgan.....

35.12	32.78	14.05			
Moore.....	35.12	32.78	14.05	Monroe.....	
35.12	32.78	14.05			
Meigs.....	35.12	32.78	14.05	Maury.....	
35.12	32.78	14.05			
Marshall.....	35.12	32.78	14.05	Macon.....	
35.12	32.78	14.05			
Mcnairy.....	35.12	32.78	14.05	Mcminn.....	
35.12	32.78	14.05			
Lincoln.....	35.12	32.78	14.05	Lewis.....	
35.12	32.78	14.05			
Lawrence.....	35.12	32.78	14.05	Lauderdale.....	
35.12	32.78	14.05			
Lake.....	35.12	32.78	14.05	Johnson.....	
35.12	32.78	14.05			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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T E N N E S S E E continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Jefferson	35.12	32.78	14.05	Jackson	35.12	32.78	14.05
Humphreys	35.12	32.78	14.05				

T E X A S

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Abilene, TX MSA	33.32	31.10	13.33	Taylor
Amarillo, TX MSA	33.32	31.10	13.33	Potter, Randall
Austin-San Marcos, TX MSA	43.35	40.46	17.34	Bastrop, Williamson, Travis, Hays, Caldwell
Beaumont-Port Arthur, TX MSA	38.07	35.53	15.23	Orange, Jefferson, Hardin
Brazoria, TX PMSA	42.47	39.63	16.99	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	33.79	31.54	13.52	Cameron
Bryan-College Station, TX MSA	44.53	41.56	17.81	Brazos
Corpus Christi, TX MSA	38.85	36.26	15.54	San Patricio, Nueces
Dallas, TX	44.45	41.49	17.78	Ellis, Denton, Dallas, Collin, Rockwall, Kaufman, Hunt
El Paso, TX MSA	36.83	34.37	14.73	El Paso
Fort Worth-Arlington, TX PMSA	41.41	38.65	16.56	Tarrant, Parker, Johnson, Hood
Galveston-Texas City, TX PMSA	38.19	35.65	15.28	Galveston
Henderson County, TX	33.32	31.10	13.33	Henderson
Houston, TX PMSA	39.32	36.70	15.73	Fort Bend,

Chambers, Waller, Montgomery, Liberty, Harris Killeen-Temple, TX MSA	33.32	31.10	13.33	Coryell, Bell
Laredo, TX MSA	33.32	31.10	13.33	Webb
Longview-Marshall, TX MSA	37.37	34.87	14.95	Gregg, Upshur, Harrison
Lubbock, TX MSA	33.32	31.10	13.33	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	33.40	31.17	13.36	Hidalgo
Odessa-Midland, TX MSA	42.82	39.96	17.13	Midland, Ector
San Angelo, TX MSA	33.32	31.10	13.33	Tom Green
San Antonio, TX MSA	38.11	35.57	15.24	Bexar, Wilson, Guadalupe, Comal
Sherman-Denison, TX MSA	33.32	31.10	13.33	Grayson
Texarkana, TX-Texarkana, AR MSA	33.32	31.10	13.33	Bowie
Tyler, TX MSA	37.99	35.46	15.20	Smith
Victoria, TX MSA	46.17	43.08	18.47	Victoria
Waco, TX MSA	33.32	31.10	13.33	Mclennan
Wichita Falls, TX MSA	34.10	31.82	13.64	Wichita, Archer

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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T E X A S continued

NONMETROPOLITAN COUNTIES	A	B	C
Andrews	33.32	31.10	13.33
Colorado	33.40	31.17	13.36
Coleman	33.32	31.10	13.33
Cochran	33.32	31.10	13.33
Childress	33.32	31.10	13.33
Castro	33.32	31.10	13.33
Carson	33.32	31.10	13.33
Callahan	33.32	31.10	13.33
Burnet	33.32	31.10	13.33
Brown	33.32	31.10	13.33
Briscoe	33.32	31.10	13.33
Bosque	33.32	31.10	13.33
Blanco	33.32	31.10	13.33
Baylor	33.32	31.10	13.33
Bailey	33.32	31.10	13.33

NONMETROPOLITAN COUNTIES	A	B	C
Anderson	33.32	31.10	13.33
Collingsworth	33.32	31.10	13.33
Coke	33.32	31.10	13.33
Clay	33.32	31.10	13.33
Cherokee	33.32	31.10	13.33
Cass	33.32	31.10	13.33
Camp	33.32	31.10	13.33
Calhoun	33.32	31.10	13.33
Burleson	33.32	31.10	13.33
Brooks	33.32	31.10	13.33
Brewster	33.32	31.10	13.33
Borden	33.32	31.10	13.33
Bee	33.32	31.10	13.33
Bandera	33.32	31.10	13.33
Austin	33.32	31.10	13.33

33.40	31.17	13.36			
Atascosa.....	33.32	31.10	13.33	Armstrong.....	
33.32	31.10	13.33			
Aransas.....	33.32	31.10	13.33	Angelina.....	
33.32	31.10	13.33			
Zavala.....	33.32	31.10	13.33	Zapata.....	
33.32	31.10	13.33			
Young.....	33.32	31.10	13.33	Yoakum.....	
33.32	31.10	13.33			
Wood.....	33.32	31.10	13.33	Wise.....	
33.40	31.17	13.36			
Winkler.....	33.32	31.10	13.33	Willacy.....	
33.32	31.10	13.33			
Wilbarger.....	33.32	31.10	13.33	Wheeler.....	
33.32	31.10	13.33			
Wharton.....	33.40	31.17	13.36	Washington.....	
33.32	31.10	13.33			
Ward.....	33.32	31.10	13.33	Walker.....	
35.45	33.09	14.18			
Van Zandt.....	33.32	31.10	13.33	Val Verde.....	
33.32	31.10	13.33			
Uvalde.....	33.32	31.10	13.33	Upton.....	
33.32	31.10	13.33			
Tyler.....	33.32	31.10	13.33	Trinity.....	
33.32	31.10	13.33			
Titus.....	33.32	31.10	13.33	Throckmorton.....	
33.32	31.10	13.33			
Terry.....	33.32	31.10	13.33	Terrell.....	
33.32	31.10	13.33			
Swisher.....	33.32	31.10	13.33	Sutton.....	
33.32	31.10	13.33			
Stonewall.....	33.32	31.10	13.33	Sterling.....	
33.32	31.10	13.33			
Stephens.....	33.32	31.10	13.33	Starr.....	
33.32	31.10	13.33			

Somervell.....	33.32	31.10	13.33	Sherman.....	33.32	31.10	13.33
Shelby.....	33.32	31.10	13.33	Shackelford.....	33.32	31.10	13.33
Scurry.....	33.32	31.10	13.33	Schleicher.....	33.32	31.10	13.33
San Saba.....	33.32	31.10	13.33	San Jacinto.....	33.32	31.10	13.33
San Augustine.....	33.32	31.10	13.33	Sabine.....	33.32	31.10	13.33
Rusk.....	33.32	31.10	13.33	Runnels.....	33.32	31.10	13.33
Robertson.....	33.32	31.10	13.33	Roberts.....	33.32	31.10	13.33
Refugio.....	33.32	31.10	13.33	Reeves.....	33.32	31.10	13.33

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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T E X A S continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Red River	33.32	31.10	13.33	Real
33.32 31.10 13.33				
Reagan	33.32	31.10	13.33	Rains
33.32 31.10 13.33				
Presidio	33.32	31.10	13.33	Polk
33.32 31.10 13.33				
Pecos	33.32	31.10	13.33	Parmer
33.32 31.10 13.33				
Panola	33.32	31.10	13.33	Palo Pinto
33.32 31.10 13.33				
Oldham	33.32	31.10	13.33	Ochiltree
33.32 31.10 13.33				
Nolan	33.32	31.10	13.33	Newton
33.32 31.10 13.33				
Navarro	33.32	31.10	13.33	Nacogdoches
33.86 31.61 13.55				
Motley	33.32	31.10	13.33	Morris
33.32 31.10 13.33				
Moore	33.32	31.10	13.33	Montague
33.32 31.10 13.33				
Mitchell	33.32	31.10	13.33	Mills
33.32 31.10 13.33				
Milam	33.32	31.10	13.33	Menard
33.32 31.10 13.33				
Medina	33.32	31.10	13.33	Maverick
33.32 31.10 13.33				
Matagorda	33.40	31.17	13.36	Mason
33.32 31.10 13.33				
Martin	33.32	31.10	13.33	Marion

33.32	31.10	13.33			
Madison	33.32	31.10	13.33	Mcmullen	
33.32	31.10	13.33			
Mcculloch	33.32	31.10	13.33	Lynn	
33.32	31.10	13.33			
Loving	33.32	31.10	13.33	Llano	
33.32	31.10	13.33			
Live Oak	33.32	31.10	13.33	Lipscomb	
33.32	31.10	13.33			
Limestone	33.32	31.10	13.33	Leon	
33.32	31.10	13.33			
Lee	33.32	31.10	13.33	Lavaca	
33.32	31.10	13.33			
La Salle	33.32	31.10	13.33	Lampasas	
33.32	31.10	13.33			
Lamb	33.32	31.10	13.33	Lamar	
33.32	31.10	13.33			
Knox	33.32	31.10	13.33	Kleberg	
33.32	31.10	13.33			
Kinney	33.32	31.10	13.33	King	
33.32	31.10	13.33			
Kimble	33.32	31.10	13.33	Kerr	
33.32	31.10	13.33			
Kent	33.32	31.10	13.33	Kenedy	
33.32	31.10	13.33			
Kendall	33.32	31.10	13.33	Karnes	
33.32	31.10	13.33			
Jones	33.32	31.10	13.33	Jim Wells	
33.32	31.10	13.33			
Jim Hogg	33.32	31.10	13.33	Jeff Davis	
33.32	31.10	13.33			
Jasper	33.32	31.10	13.33	Jackson	
33.32	31.10	13.33			
Jack	33.32	31.10	13.33	Irion	
33.32	31.10	13.33			

Hutchinson.....	33.32	31.10	13.33	Hudspeth.....
33.32 31.10 13.33				
Howard.....	33.32	31.10	13.33	Houston.....
33.32 31.10 13.33				
Hopkins.....	33.32	31.10	13.33	Hockley.....
33.32 31.10 13.33				
Hill.....	33.32	31.10	13.33	Hemphill.....
33.32 31.10 13.33				
Haskell.....	33.32	31.10	13.33	Hartley.....
33.32 31.10 13.33				
Hardeman.....	33.32	31.10	13.33	Hansford.....
33.32 31.10 13.33				
Hamilton.....	33.32	31.10	13.33	Hall.....
33.32 31.10 13.33				
Hale.....	33.32	31.10	13.33	Grimes.....
33.32 31.10 13.33				

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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T E X A S continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
Gray	33.32	31.10	13.33	Gonzales
Goliad	33.32	31.10	13.33	Glasscock
Gillespie	33.32	31.10	13.33	Garza
Gaines	33.32	31.10	13.33	Frio
Freestone	33.32	31.10	13.33	Franklin
Foard	33.32	31.10	13.33	Floyd
Fisher	33.32	31.10	13.33	Fayette
Fannin	33.32	31.10	13.33	Falls
Erath	33.32	31.10	13.33	Edwards
Eastland	33.32	31.10	13.33	Duval
Donley	33.32	31.10	13.33	Dimmit
Dickens	33.32	31.10	13.33	Dewitt
Delta	33.32	31.10	13.33	Deaf Smith
Dawson	33.32	31.10	13.33	Dallam
Culberson	33.32	31.10	13.33	Crosby

33.32 31.10 13.33

Crockett..... 33.32 31.10 13.33 Crane.....
33.32 31.10 13.33
Cottle..... 33.32 31.10 13.33 Cooke.....
33.32 31.10 13.33
Concho..... 33.32 31.10 13.33 Comanche.....
33.32 31.10 13.33

U T A H

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Kane County, UT.....	40.05	37.37	16.02	Kane
Provo-Orem, UT MSA.....	36.34	33.92	14.54	Utah
Salt Lake City-Ogden, UT MSA.....	34.46	32.16	13.79	Weber, Salt Lake, Davis

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Beaver.....	40.05	37.37	16.02	Grand.....
				45.55 42.51 18.22
Garfield.....	40.05	37.37	16.02	Emery.....
				45.55 42.51 18.22
Duchesne.....	45.55	42.51	18.22	Daggett.....
				45.55 42.51 18.22
Carbon.....	45.55	42.51	18.22	Cache.....
				36.82 34.37 14.73
Box Elder.....	36.82	34.37	14.73	Wayne.....
				40.05 37.37 16.02
Washington.....	43.35	40.46	17.34	Wasatch.....
				45.55 42.51 18.22
Uintah.....	45.55	42.51	18.22	Tooele.....
				36.82 34.37 14.73
Summit.....	47.15	44.00	18.86	Sevier.....
				40.05 37.37 16.02

Sanpete.....	40.05	37.37	16.02	San Juan.....	
45.55	42.51	18.22			
Rich.....	36.82	34.37	14.73	Piute.....	
40.05	37.37	16.02			
Morgan.....	45.55	42.51	18.22	Millard.....	
40.05	37.37	16.02			
Juab.....	40.05	37.37	16.02	Iron.....	
40.05	37.37	16.02			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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V E R M O N T

METROPOLITAN FMR AREAS FMR AREA within STATE	A	B	C	Components of
Burlington, VT MSA.....	54.64	50.99	21.85	Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond town St. George town, Shelburne town, South Burlington c Williston town, Winooski city Grand Isle county towns of Grand Isle town South Hero town Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town

NONMETROPOLITAN COUNTIES non metropolitan counties	A	B	C	Towns within
Bennington.....	45.05	42.05	18.02	
Addison.....	43.53	40.63	17.41	
Franklin.....	41.46	38.69	16.58	Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town

Essex	36.99	34.52	14.79	
Chittenden	50.40	47.04	20.16	Bolton town, Buels gore, Huntington town, Underhill town, Westford town
Caledonia	36.99	34.52	14.79	
Windsor	47.60	44.43	19.04	
Windham	46.48	43.39	18.59	
Washington	44.57	41.60	17.83	
Rutland	48.08	44.88	19.23	
Orleans	36.99	34.52	14.79	
Orange	44.33	41.37	17.73	
Lamoille	44.73	41.74	17.89	
Grand Isle	36.99	34.52	14.79	Alburg town, Isle La Motte town, North Hero town

V I R G I N I A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Charlottesville, VA MSA	43.97	41.04	17.59	Charlottesville city, Greene, Fluvanna, Albemarle
Clarke County, VA	35.08	32.74	14.03	Clarke
Culpeper County, VA	36.55	34.11	14.62	Culpeper
Danville, VA MSA	33.74	31.49	13.50	Danville city, Pittsylvania
Johnson City-Kingsport-Bristol, TN-VA MSA	35.12	32.78	14.05	Bristol city, Washington, Scott
King George County, VA	40.91	38.18	16.36	King George
Lynchburg, VA MSA	35.00	32.67	14.00	Bedford city, Campbell, Bedford, Amherst, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA	43.35	40.46	17.34	Gloucester, James City, Isle of Wight, Hampton city, Chesapeake city, York, Mathews, Williamsburg city, Virginia Beach city, Suffolk city, Portsmouth city

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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V I R G I N I A continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Norfolk city, Newport News city				Poquoson city,
Richmond-Petersburg, VA MSA	39.33	36.70	15.73	Charles City,
Richmond city, Petersburg city				Hopewell city,
Colonial Heights city, Prince George				Powhatan, New
Kent, Henrico, Hanover, Goochland				Dinwiddie,
Chesterfield				
Roanoke, VA MSA	34.61	32.30	13.84	Salem city,
Roanoke city, Roanoke, Botetourt				
Warren County, VA	35.08	32.74	14.03	Warren
Washington, DC-MD-VA	63.93	59.67	25.57	Arlington,
Loudoun, Fairfax, Alexandria city, Stafford				Spotsylvania,
Prince William, Manassas Park city				Manassas city,
Fredericksburg city, Fauquier				Falls Church
city, Fairfax city				

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Alleghany	33.82	31.56	13.53	Accomack 33.74 31.49 13.50
Floyd	33.74	31.49	13.50	Essex 33.74 31.49 13.50
Dickenson	33.74	31.49	13.50	Cumberland 33.74 31.49 13.50

Craig.....	33.74	31.49	13.50	Charlotte.....
33.74	31.49	13.50		
Carroll.....	33.74	31.49	13.50	Caroline.....
40.91	38.18	16.36		
Buckingham.....	33.74	31.49	13.50	Buchanan.....
33.74	31.49	13.50		
Brunswick.....	33.74	31.49	13.50	Bland.....
33.74	31.49	13.50		
Bath.....	33.82	31.56	13.53	Augusta.....
33.82	31.56	13.53		
Appomattox.....	33.74	31.49	13.50	Amelia.....
33.74	31.49	13.50		
Russell.....	33.74	31.49	13.50	Rockingham.....
35.00	32.67	14.00		
Rockbridge.....	33.82	31.56	13.53	Richmond.....
33.74	31.49	13.50		
Rappahannock.....	36.55	34.11	14.62	Pulaski.....
33.74	31.49	13.50		
Prince Edward.....	33.74	31.49	13.50	Patrick.....
33.74	31.49	13.50		
Page.....	33.89	31.64	13.56	Orange.....
36.55	34.11	14.62		
Nottoway.....	33.74	31.49	13.50	Northumberland.....
33.74	31.49	13.50		
Northampton.....	33.74	31.49	13.50	Nelson.....
33.74	31.49	13.50		
Montgomery.....	40.99	38.26	16.40	Middlesex.....
33.74	31.49	13.50		
Mecklenburg.....	33.74	31.49	13.50	Madison.....
35.87	33.47	14.35		
Lunenburg.....	33.74	31.49	13.50	Louisa.....
35.32	32.96	14.13		
Lee.....	33.74	31.49	13.50	Lancaster.....
33.74	31.49	13.50		
King William.....	33.74	31.49	13.50	King and Queen.....

	33.74	31.49	13.50		
Highland	33.82	31.56	13.53	Henry	
	33.89	31.64	13.56		
Halifax	33.74	31.49	13.50	Greensville	
	33.74	31.49	13.50		
Grayson	33.74	31.49	13.50	Giles	
	33.74	31.49	13.50		
Frederick	35.08	32.74	14.03	Franklin	
	33.74	31.49	13.50		
Wythe	33.74	31.49	13.50	Wise	
	33.74	31.49	13.50		
Westmoreland	33.74	31.49	13.50	Tazewell	
	33.74	31.49	13.50		
Sussex	33.74	31.49	13.50	Surry	
	33.74	31.49	13.50		

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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V I R G I N I A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Southampton.....	33.74	31.49	13.50	Smyth.....	33.74	31.49	13.50
Shenandoah.....	35.08	32.74	14.03			

W A S H I N G T O N

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Bellingham, WA MSA.....	49.35	46.06	19.74	Whatcom
Bremerton, WA PMSA.....	45.92	42.86	18.37	Kitsap
Olympia, WA PMSA.....	47.44	44.27	18.97	Thurston
Portland-Vancouver, OR-WA PMSA.....	42.57	39.73	17.03	Clark
Richland-Kennewick-Pasco, WA MSA.....	40.11	37.42	16.04	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA.....	51.99	48.51	20.79	Island, Snohomish, King
Spokane, WA MSA.....	39.94	37.28	15.98	Spokane
Tacoma, WA PMSA.....	44.15	41.21	17.66	Pierce
Yakima, WA MSA.....	41.70	38.91	16.68	Yakima

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Adams.....	34.13	31.85	13.65	Chelan.....	41.06	38.32	16.42
Asotin.....	44.00	41.07	17.60	Grays Harbor.....	44.25	41.29	17.70
Grant.....	34.13	31.85	13.65	Garfield.....	44.00	41.07	17.60

Ferry.....	34.13	31.85	13.65	Douglas.....	
41.06	38.32	16.42			
Cowlitz.....	35.40	33.04	14.16	Columbia.....	
44.00	41.07	17.60			
Clallam.....	44.25	41.29	17.70	Whitman.....	
44.00	41.07	17.60			
Walla Walla.....	44.00	41.07	17.60	Wahkiakum.....	
41.06	38.32	16.42			
Stevens.....	34.13	31.85	13.65	Skamania.....	
41.06	38.32	16.42			
Skagit.....	45.12	42.11	18.05	San Juan.....	
46.71	43.59	18.68			
Pend Oreille.....	34.13	31.85	13.65	Pacific.....	
44.25	41.29	17.70			
Okanogan.....	37.39	34.90	14.96	Mason.....	
44.25	41.29	17.70			
Lincoln.....	34.13	31.85	13.65	Lewis.....	
41.06	38.32	16.42			
Klickitat.....	41.06	38.32	16.42	Kittitas.....	
37.39	34.90	14.96			
Jefferson.....	44.25	41.29	17.70		

W E S T V I R G I N I A

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Berkeley County, WV.....	35.26	32.90	14.10	Berkeley
Charleston, WV MSA.....	42.31	39.49	16.93	Kanawha, Putnam
Cumberland, MD-WV MSA.....	33.10	30.89	13.24	Mineral
Huntington-Ashland, WV-KY-OH MSA.....	34.88	32.55	13.95	Wayne, Cabell
Jefferson County, WV.....	35.40	33.03	14.16	Jefferson

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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W E S T V I R G I N I A continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Parkersburg-Marietta, WV-OH MSA	32.46	30.29	12.98	Wood
Steubenville-Weirton, OH-WV MSA	35.02	32.68	14.01	Hancock, Brooke
Wheeling, WV-OH MSA	34.62	32.31	13.85	Ohio, Marshall

NONMETROPOLITAN COUNTIES	A	B	C
Calhoun	33.13	30.92	13.25
Boone	32.46	30.29	12.98
Wyoming	32.46	30.29	12.98
Wetzel	32.46	30.29	12.98
Upshur	32.46	30.29	12.98
Tucker	32.46	30.29	12.98
Summers	32.46	30.29	12.98
Ritchie	32.46	30.29	12.98
Raleigh	32.46	30.29	12.98
Pocahontas	32.46	30.29	12.98
Pendleton	32.46	30.29	12.98

NONMETROPOLITAN COUNTIES	A	B	C
Braxton	32.46	30.29	12.98
Barbour	32.46	30.29	12.98
Wirt	32.46	30.29	12.98
Webster	32.46	30.29	12.98
Tyler	32.46	30.29	12.98
Taylor	32.46	30.29	12.98
Roane	33.13	30.92	13.25
Randolph	32.46	30.29	12.98
Preston	35.64	33.26	14.26
Pleasants	32.46	30.29	12.98
Nicholas	32.46	30.29	12.98

	32.46	30.29	12.98				
Morgan	32.46	30.29	12.98				
	32.46	30.29	12.98				
Monongalia	35.64	33.26	14.26				
	32.46	30.29	12.98				
Mercer	32.46	30.29	12.98				
	32.46	30.29	12.98				
Marion	35.64	33.26	14.26				
	32.46	30.29	12.98				
Logan	32.46	30.29	12.98				
	32.46	30.29	12.98				
Lewis	32.46	30.29	12.98				
	33.13	30.92	13.25				
Harrison	33.13	30.92	13.25				
	32.46	30.29	12.98				
Hampshire	32.46	30.29	12.98				
	32.46	30.29	12.98				
Grant	32.46	30.29	12.98				
	32.75	30.57	13.10				
Fayette	32.46	30.29	12.98				
	32.46	30.29	12.98				
Clay	32.46	30.29	12.98				

Monroe							
Mingo							
Mason							
Mcdowell							
Lincoln							
Jackson							
Hardy							
Greenbrier							
Gilmer							
Doddridge							

W I S C O N S I N

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Appleton-Oshkosh-Neenah, WI MSA	35.61	33.24	14.24	Calumet, Winnebago, Outagamie
Duluth-Superior, MN-WI MSA	36.59	34.15	14.64	Douglas
Eau Claire, WI MSA	34.17	31.89	13.67	Chippewa, Eau Claire
Green Bay, WI MSA	35.44	33.09	14.18	Brown
Janesville-Beloit, WI MSA	39.24	36.63	15.70	Rock
Kenosha, WI PMSA	43.73	40.82	17.49	Kenosha

La Crosse, WI-MN MSA	40.47	37.76	16.19	La Crosse
Madison, WI MSA	47.07	43.94	18.83	Dane

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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W I S C O N S I N continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Milwaukee-Waukesha, WI PMSA Milwaukee, Waukesha, Washington	42.29	39.47	16.92	Ozaukee,
Minneapolis-St. Paul, MN-WI MSA Pierce	49.47	46.18	19.79	St. Croix,
Racine, WI PMSA	38.63	36.05	15.45	Racine
Sheboygan, WI MSA	35.05	32.71	14.02	Sheboygan
Wausau, WI MSA	34.80	32.48	13.92	Marathon

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Adams	34.65	32.34	13.86	Buffalo 34.09 31.82 13.64
Bayfield	34.09	31.82	13.64	Barron 34.09 31.82 13.64
Ashland	34.09	31.82	13.64	Wood 34.65 32.34 13.86
Waushara	34.09	31.82	13.64	Waupaca 34.09 31.82 13.64
Washburn	34.09	31.82	13.64	Walworth 37.43 34.93 14.97
Vilas	34.09	31.82	13.64	Vernon 34.09 31.82 13.64
Trempealeau	34.09	31.82	13.64	Taylor 34.09 31.82 13.64
Shawano	34.09	31.82	13.64	Sawyer 34.09 31.82 13.64
Sauk	34.65	32.34	13.86	Rusk 34.09 31.82 13.64
Richland	34.09	31.82	13.64	Price

34.09	31.82	13.64			
Portage	34.73	32.41	13.89	Polk	
34.09	31.82	13.64			
Pepin	34.09	31.82	13.64	Oneida	
34.09	31.82	13.64			
Oconto	34.09	31.82	13.64	Monroe	
34.09	31.82	13.64			
Menominee	34.09	31.82	13.64	Marquette	
34.09	31.82	13.64			
Marinette	34.09	31.82	13.64	Manitowoc	
34.09	31.82	13.64			
Lincoln	34.09	31.82	13.64	Langlade	
34.09	31.82	13.64			
Lafayette	34.09	31.82	13.64	Kewaunee	
34.09	31.82	13.64			
Juneau	34.65	32.34	13.86	Jefferson	
36.16	33.75	14.47			
Jackson	34.09	31.82	13.64	Iron	
34.09	31.82	13.64			
Iowa	34.09	31.82	13.64	Green Lake	
34.17	31.89	13.67			
Green	34.09	31.82	13.64	Grant	
34.09	31.82	13.64			
Forest	34.09	31.82	13.64	Fond du Lac	
35.76	33.38	14.31			
Florence	34.09	31.82	13.64	Dunn	
34.09	31.82	13.64			
Door	34.09	31.82	13.64	Dodge	
34.09	31.82	13.64			
Crawford	34.09	31.82	13.64	Columbia	
34.09	31.82	13.64			
Clark	34.09	31.82	13.64	Burnett	
34.09	31.82	13.64			

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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W Y O M I N G

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Casper, WY MSA	48.52	45.29	19.41	Natrona
Cheyenne, WY MSA	40.27	37.59	16.11	Laramie

NONMETROPOLITAN COUNTIES	A	B	C
Albany	32.68	30.50	13.07
Big Horn	32.10	29.96	12.84
Crook	32.10	29.96	12.84
Carbon	32.10	29.96	12.84
Platte	32.10	29.96	12.84
Niobrara	32.10	29.96	12.84
Johnson	32.10	29.96	12.84
Goshen	32.10	29.96	12.84
Washakie	32.10	29.96	12.84
Teton	47.85	44.66	19.14
Sublette	32.10	29.96	12.84

NONMETROPOLITAN COUNTIES	A	B	C
Campbell	43.43	40.53	17.37
Fremont	32.10	29.96	12.84
Converse	32.10	29.96	12.84
Sheridan	32.10	29.96	12.84
Park	32.10	29.96	12.84
Lincoln	32.10	29.96	12.84
Hot Springs	32.10	29.96	12.84
Weston	32.10	29.96	12.84
Uinta	32.10	29.96	12.84
Sweetwater	32.10	29.96	12.84

P A C I F I C I S L A N D S

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A	B	C
Pacific Islands.....	63.80	59.55	25.52			

P U E R T O R I C O

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Aguadilla, PR MSA.....	34.93	32.60	13.97	Aguada Municipio, Moca Municipio, Aguadilla Municipio
Arecibo, PR PMSA.....	38.35	35.79	15.34	Camuy Municipio, Arecibo Municipio, Hatillo Municipio
Caguas, PR PMSA.....	34.93	32.60	13.97	Caguas Municipio, Cidra Municipio, Cayey Municipio
				San Lorenzo Municipio, Gurabo Municipio
Mayaguez, PR MSA.....	34.93	32.60	13.97	Cabo Rojo Municipio, Anasco Municipio
				San German Municipio, Sabana Grande Municipio
				Mayaguez Municipio, Hormigueros Municipio
Ponce, PR MSA.....	37.54	35.03	15.01	Yauco Municipio, Villalba Municipio, Ponce Municipio
				Penuelas Municipio, Juana Diaz Municipio
				Guayanilla Municipio
San Juan-Bayamon, PR PMSA.....	37.54	35.03	15.01	Barceloneta Municipio, Aguas Buenas Municipio
				Yabucoa Municipio, Vega Baja Municipio
				Vega Alta Municipio, Trujillo Alto Municipio
				Toa Baja Municipio, Toa Alta Municipio

Municipio, Rio Grande Municipio	San Juan
Municipio, Naguabo Municipio, Morovis Municipio	Naranjito
Municipio, Luquillo Municipio, Loiza Municipio	Manati
Municipio, Juncos Municipio	Las Piedras

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH
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P U E R T O R I C O continued

METROPOLITAN FMR AREAS AREA within STATE	A	B	C	Counties of FMR
Municipio, Guaynabo Municipio, Florida Municipio				Humacao
Municipio, Dorado Municipio, Corozal Municipio				Fajardo
Municipio, Ceiba Municipio, Catano Municipio				Comerio
Municipio, Canovanas Municipio				Carolina
Municipio				Bayamon

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES A B C
Barranquitas Municipio..	34.93	32.60	13.97	Arroyo Municipio..... 34.93 32.60 13.97
Aibonito Municipio.....	34.93	32.60	13.97	Adjuntas Municipio..... 34.93 32.60 13.97
Vieques Municipio.....	34.93	32.60	13.97	Utuado Municipio..... 34.93 32.60 13.97
Santa Isabel Municipio..	34.93	32.60	13.97	San Sebastian Municipio. 34.93 32.60 13.97
Salinas Municipio.....	34.93	32.60	13.97	Rincon Municipio..... 34.93 32.60 13.97
Quebradillas Municipio..	38.35	35.79	15.34	Patillas Municipio..... 34.93 32.60 13.97
Orocovis Municipio.....	34.93	32.60	13.97	Maunabo Municipio..... 34.93 32.60 13.97
Maricao Municipio.....	34.93	32.60	13.97	Las Marias Municipio.... 34.93 32.60 13.97

Lares Municipio.....	34.93	32.60	13.97	Lajas Municipio.....
34.93 32.60 13.97				
Jayuya Municipio.....	34.93	32.60	13.97	Isabela Municipio.....
34.93 32.60 13.97				
Guayama Municipio.....	34.93	32.60	13.97	Guanica Municipio.....
34.93 32.60 13.97				
Culebra Municipio.....	34.93	32.60	13.97	Coamo Municipio.....
34.93 32.60 13.97				
Ciales Municipio.....	34.93	32.60	13.97	

V I R G I N I S L A N D S

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES
A B C				
Virgin Islands.....	50.40	47.05	20.16	

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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Federal Register

Monday
March 3, 1997

Part III

Federal Communications Commission

47 CFR Part 1, et al.

The Wireless Communications Service; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 27, and 97

[GN Docket No. 96–228; FCC 97–50]

The Wireless Communications Service (''WCS'')

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 19, 1997, the Federal Communications Commission (''Commission'') adopted a Report and Order establishing rules and policies for a new Wireless Communications Service (''WCS'') in the 2305–2320 and 2345–2360 MHz bands. This action is being taken pursuant to the Omnibus Consolidated Appropriations Act, 1997. The effect of this action is to make thirty megahertz of spectrum available for the provision of fixed, mobile, and radiolocation services, and satellite Digital Audio Radio Services.

EFFECTIVE DATE: March 3, 1997.

FOR FURTHER INFORMATION CONTACT: Matthew Moses or Josh Roland, Wireless Telecommunications Bureau, (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in GN Docket No. 96–228. The complete Report and Order is available for inspection and copying during normal business hours in the FCC reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Washington, D.C. 20037. The complete Report and Order is also available on the Commission's Internet home page (http://www.fcc.gov).

Summary of the Report and Order

1. In this *Report and Order,* the Commission fulfills the Congressional mandate expressed in section 3001 of the Omnibus Consolidated Appropriations Act for 1997, Public Law 104–208, 110 Stat. 3009 (1996) (''Appropriations Act''), to reallocate and assign the use of the frequencies at 2305–2320 and 2345–2360 MHz. The Commission considers the proposals set forth in the *Notice of Proposed Rule Making* concerning amendment of the Commission's rules to establish the WCS. *See Amendment of the Commission's Rules To Establish Part 27, the Wireless Communications Service,* GN Docket No. 96–228, *Notice of Proposed Rule Making,* FCC 96–441, 61 FR 59048 (November 20, 1996) (''*NPRM*'').

A. Licensing Plan for WCS

i. Permitted Services

2. In the *NPRM,* the Commission concluded that the Appropriations Act's reallocation directive means that the Commission may allocate the 2305–2320 and 2345–2360 MHz bands to any or all radio services contained in the International Table of Frequency Allocations applicable to the United States. The Commission proposed to allocate this spectrum to the fixed, mobile, and radiolocation services on a primary basis, which are all the services authorized on a primary basis for these entire bands in the International Table. The Commission also proposed to retain the current primary audio broadcasting-satellite allocation that exists in 45 of the 50 MHz of these bands (2310–2320 and 2345–2360 MHz). The Commission did not propose to change the Amateur Radio Service secondary allocation of the 2300–2310 MHz band, nor the authorization for the 2310–2360 MHz band to be used on a secondary basis by aeronautical telemetry operations.

3. The Commission noted that in its Satellite DARS *NPRM* it had requested comment on whether it should delay issuing licenses for DARS in the 2310–2320 MHz portion of the DARS allocated spectrum due to the number and type of Canadian fixed service facilities in that band. *See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band,* IB Docket No. 95–91, *Notice of Proposed Rule Making,* 11 FCC Rcd 1, 60 FR 35166 (July 6, 1996) (''*Satellite DARS NPRM*''). The Commission also noted that in February 1996, it had informed DARS applicants that previously unknown additional Canadian operations existed in the 2310–2360 MHz band that particularly impacted potential use of the 2345–2360 MHz portion of the band for DARS. Accordingly, the Commission requested comment on the feasibility of satellite DARS in parts of the 2305–2320 and 2345–2360 MHz bands.

4. The Commission concludes that under the totality of circumstances presented, the 2310–2320 and 2345–2360 MHz bands will be allocated on a primary basis for fixed, mobile, radiolocation, and broadcasting-satellite (sound) services without further designations. The 2305–2310 MHz band will be allocated on a primary basis for fixed, mobile except aeronautical mobile, and radiolocation services. WCS licensees themselves will determine the specific services they will provide within their assigned spectrum and geographic areas. The services that can be provided, however, will be subject to specific technical rules we adopt *infra* to prevent interference to other services. The Commission emphasizes that with the current state of technology there is a substantial risk that these rules will severely limit, if not preclude, most mobile and mobile radiolocation uses. Fixed uses will be less severely affected, but still will require equipment that will meet technical standards higher than those used for similar purposes on comparable bands, and therefore may be more costly.

5. The Commission believes that in this instance a flexible use allocation serves the public interest. Permitting a broad range of services to be provided on this spectrum will permit the development and deployment of new telecommunications services and products to consumers. Moreover, WCS licensees will not be constrained to a single use of this spectrum and, therefore, may offer a mix of services and technologies to their customers.

6. The Commission recognizes the concerns raised by commenters about the general application of flexible allocations, and it is our intent to address those concerns fully in future proceedings. In this regard, the Commission emphasizes that its decision in this instance to adopt a broadly defined service for this spectrum should not be interpreted as a finding on the merits of flexibility as general allocation policy or prejudging the merits of flexibility in any other proceeding before us. Rather, the Commission's decision here is based on the totality of the circumstances and facts particular to this proceeding, not the least of which is the short time mandated by Congress to bring this spectrum to auction. Importantly, in this particular instance the record does not convincingly demonstrate how this spectrum should be distributed among particular uses in a manner that would provide maximum benefit to the public. Specific services advocated by commenters span a wide range of potential uses, including interactive, high-speed, broadband data services, such as wireless Internet access; return links for interactive cable and broadcasting service; mobile data; satellite DARS; fixed terrestrial use; new and innovative services; radiolocation; educational applications; and wireless local loop. While individual commenters advocate specific allocations for one or more of these uses, the Commission has no clear basis in the current record to prefer some uses

over others. Thus, limiting the use as some have suggested would risk precluding potentially beneficial services.

7. The Commission finds that allocating this spectrum for fixed, mobile, radiolocation, and audio broadcasting-satellite services is consistent with the international agreements governing this spectrum, the Appropriations Act, the Communications Act, and Commission precedent. The Commission notes that the Appropriations Act specifically directs the Commission to reallocate the WCS frequencies to ''wireless services that are consistent with international agreements concerning spectrum allocations.'' *See* Appropriations Act, section 3001(a)(1). Nothing in this provision or its legislative history restricts the Commission's authority to assign or allocate this spectrum to more than one permissible use. Additionally, the Commission's allocation to more than one service is consistent with the Commission's obligations under the Communications Act. Section 303 of the Communications Act does not restrict the Commission's discretion to prescribe the nature of the service to be rendered over radio frequencies or its authority to allocate frequencies to the various classes of stations or assign spectrum to stations for more than one permissible use. With respect to allocation decisions, the courts have accorded ''substantial deference'' to Commission determinations.

8. Commission precedent also supports the permissibility of allocating spectrum in a manner that allows for a broad range of uses. The Commission noted in the *NPRM* that the Commission took this approach in establishing GWCS in August of 1995, where it concluded that authorizing a wide variety of services bounded only by international allocations comported with its statutory authority and served the public interest by fostering the provision of a mix of services. Because GWCS licenses have yet to be auctioned, the evidence regarding the benefits of having allocated that spectrum to all uses permitted by the Commission's international obligations is inconclusive.

9. The Commission continues to believe that such broad allocations are permitted under the Communications Act, and the Commission notes that it also recently permitted CMRS licensees to provide fixed and mobile services. *See Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services,* WT Docket No. 96–6, *First Report and Order,* 11 FCC Rcd 8965, 61 FR 43721 (August 26, 1996). The action the Commission takes here is consistent with this precedent. The Commission notes also that its service designation decision is not so broad as to allow use of the WCS frequencies for any purpose whatsoever. For example, the international allocation for part of this spectrum is for audio broadcast satellite services, and therefore satellite services will be limited to this type of satellite services.

10. The Commission disagrees specifically with those commenters who assert that allocating these frequencies for fixed, mobile, radiolocation and audio broadcasting-satellite services is an impermissible allocation by auction or otherwise inconsistent with Section 309(j). The allocation decision the Commission makes in this proceeding is based on the Commission's finding that under the circumstances presented, including the statutory deadline and the lack of a record that supports a specific allocation, this allocation to fixed, mobile, radiolocation, and audio broadcasting-satellite services comports with the public interest and with the Commission's statutory authority. Thus, the Commission's decision to allocate this spectrum in this manner is unrelated to its decision to award WCS licenses through competitive bidding.

11. In addition, the Commission disagrees with those commenters' arguments that by adopting its proposal the Commission is impermissibly delegating its authority to allocate spectrum and set technical rules to other parties. The allocation the Commission makes here is not entirely open-ended, and auction winners will be subject to strict technical rules that are necessary to prevent interference to other services and which also will likely limit the actual services they may be able to offer. As discussed *infra,* these technical rules are necessary to prevent interference. Therefore, the Commission has not delegated to private parties its responsibility to allocate spectrum and adopt appropriate technical standards.

12. The Commission also agrees with commenters such as Lucent, Motorola, Nortel and CTIA who argue that economies of scale in equipment supply are important and recognize that our decision to adopt a flexible allocation may make achieving those economies of scale more difficult. However, the Commission has taken several steps that it hopes will assist licensees in achieving economies of scale. For example, the Commission has established relatively large geographic service areas and spectrum block sizes. The Commission also is adopting licensing and auction rules designed to facilitate geographic area and spectrum aggregations that may foster economies of scale and, in developing their bidding and aggregation strategies, bidders can consider the benefits of such economies. The Commission believes that the allocation and service rules adopted herein comply with all legal requirements and, considering the totality of the circumstances, serve the public interest.

13. The Commission does not believe that the public interest will be served by prohibiting use of this spectrum for CMRS. It has been the Commission's consistent policy to actively seek to increase competition in telecommunications markets, and its decision here is consistent with that policy. Indeed, in the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, Congress ordered the transfer of a large amount of government spectrum to the Commission's jurisdiction for nongovernmental use. CMRS licensees have no reasonable basis to expect that the Commission would limit the possibility of further entry by withholding spectrum or by unnecessarily restricting the permissible uses of newly allocated spectrum. However, the Commission notes that, given the out-of-band emission limits it adopt for WCS, technology will likely severely limit, if not preclude, most mobile services on this spectrum, at least in the near term.

14. Some commenters express concern with difficulties in controlling interference. The Commission is responding to this concern by setting specific limits on field strength at the geographic boundaries between licensees and on emissions outside the assigned spectrum blocks. While the Commission recognizes that different system designs have different sensitivities to interference and cause different types and degrees of interference, the Commission believes that these limits provide a reasonable degree of predictability as to the magnitude of interfering signals one can expect from adjacent areas and spectrum blocks. However, the Commission recognizes that these out-of-band and out-of-area power limits do not by themselves ensure interference-free operation. They control primary factors that determine the amount of interference a licensee can expect from neighboring areas and blocks, but there are many other factors that affect interference that they do not control and that are not under the receiver owner's direct control. For example, the level of interference caused to a licensee's receivers from transmitters in an adjacent spectrum block may also

depend on the number of such transmitters, their location relative to the receivers, their antenna directivity and polarization, their duty cycle, and other factors. Since these factors are not regulated by the Commission, they create uncertainty about the amount of interference a licensee may receive. Licensees can reduce this uncertainty by coordinating with their neighbors, and the Commission encourages them to do so. They also can reduce the risk of interference by properly designing and engineering their receiving systems and by using technologies that reduce their receivers' susceptibility to unwanted signals. Also, bidders can reduce their exposure to interfering signals from neighboring spectrum blocks or areas by aggregating adjoining licenses in the auction or through post-auction transactions. But again the Commission emphasizes that interference-free operation is not assured by the Commission's limits. Each WCS licensee must ultimately assume responsibility for protecting its own receiving system from interference from transmitters in adjoining blocks and areas that meet the Commission's limits, and applicants should understand this before they bid for these licenses.

15. Finally, in the *NPRM*, the Commission proposed to permit amateurs to continue to use the 2305–2310 MHz band on a secondary basis. The Commission also proposed to permit continued flight test and vehicle launch use of the 2310–2320 and 2345–2360 MHz bands on a secondary basis. The Commission is adopting these proposals. The effect of this action is that amateurs and aeronautical telemetry operations will be able to continue to use these bands so long as these operations do not interfere with WCS service. In addition, the Commission updates and clarifies the frequency sharing requirements for amateur use of the 2300–2310 MHz and adjacent bands. The Commission also clarifies that footnotes US276 and US339 permit the use of various frequencies for telemetering and associated telecommand operations of launch vehicles ''on a co-equal basis by Government and non-Government stations.'' With respect to Primosphere's request that all flight test operations be precluded from the WCS bands, the Commission finds no basis for precluding such operations on a secondary basis. The Commission makes clear that if secondary flight test operations cause harmful interference to WCS operations, they must immediately either correct the problem or cease operations. If such operations prove to be a problem, however, the Commission may re-evaluate this issue in the future.

ii. Spectrum for Each License

16. In the *NPRM*, the Commission requested comment on the appropriate amount of spectrum to be provided for each WCS license at 2.3 GHz. The Commission specifically requested comment on whether 5, 10, 15 or 30 MHz is the most suitable amount. The Commission noted that 5 MHz bandwidths would be sufficient for paging, radiolocation, dispatch, or point-to-point backbone operations. The Commission also observed that larger bandwidths, such as 10 to 15 MHz, would allow more direct competition with existing fixed and mobile service providers and may also better support some multi-channel satellite DARS. The Commission also asked for comment on whether a single 30 MHz license would offer the most effective approach for providing new two-way fixed or point-to-multipoint uses, such as interconnection with the Internet and other digital network services. Finally, the Commission requested comment on what size spectrum block could best support, in part or fully, the provision of fixed local loop services.

17. The Commission also sought comment on whether the WCS spectrum should be assigned on a paired or unpaired basis. Alternatively, the Commission requested comment on an approach where spectrum bandwidths or pairing of the spectrum are determined through the competitive bidding process. The Commission noted that the 30 MHz of spectrum could be divided into 5 MHz blocks and the amount of spectrum and the location of the spectrum (*i.e.*, contiguous or paired) for each WCS licensee could be determined through the auction process. The Commission further invited commenting parties to suggest additional alternatives for both the amount of spectrum and the size of service areas for WCS licensees. The Commission noted that the Appropriations Act requires that we conclude initial licensing of this spectrum and the collection of all bidding proceeds no later than September 30, 1997. The Commission stated its belief that licensing the WCS spectrum for service to large areas, with relatively few licenses to be awarded, would speed the WCS licensing process and the collection of bidding proceeds, consistent with the requirements of the Appropriations Act. Whatever initial licensing approach is chosen for WCS, the Commission proposed to permit spectrum and service area aggregation through the auction process, *e.g.*, the Commission would permit parties to bid for more than one license in each geographic area and for multiple areas.

18. The Commission observes that the commenting parties generally support either 5 MHz unpaired channel blocks or 10 MHz paired channel blocks, with the vast majority finding that at least 10 MHz is needed to provide certain WCS services in an efficient and competitive manner. The Commission notes, however, that the potential uses of the WCS spectrum will be greatly affected by the out-of-band emission limits, discussed in Section III.D.7 *infra*, needed to protect satellite DARS reception in the 2320–2345 MHz band. In particular, these limits will have the greatest impact on the portion of the WCS spectrum immediately adjacent to the satellite DARS band, namely, the WCS spectrum at 2315–2320 MHz and 2345–2350 MHz. In order to account for this effect in light of the overall record of this proceeding, and to minimize its impact on WCS operations generally, the Commission finds that WCS should be licensed initially as two 10 MHz channel blocks (with 5 MHz of this spectrum from the lower band paired with 5 MHz from the upper band) plus two 5 MHz blocks (those immediately adjacent to the satellite DARS spectrum). The Commission believes that this channelization will permit WCS licensees to offer a wide variety of services. For example, the record suggests that the 10 MHz channel blocks represent the minimum amount of spectrum needed to support certain data and wireless local loop services, including wireless Internet access. In addition, the Commission believes that providing for 10 MHz of spectrum on a paired basis would allow for the introduction of both one-way and two-way services and would facilitate the implementation of a variety of technologies. In the spectrum adjacent to the satellite DARS band, however, the Commission believes that WCS mobile operations may be prohibitively expensive and technologically infeasible for a substantial period of time. Also, the narrow (*i.e.*, 30 MHz) transmit and receive separation between the 2315–2320 MHz and 2345–2350 MHz bands would substantially increase the cost of equipment employing traditional frequency division duplex technology if pairing of these blocks were required. By making this spectrum available initially to WCS licensees as two 5 MHz unpaired channel blocks, the spectrum may have increased utility for satellite DARS and a variety of WCS fixed operations, especially those employing time division duplex technology. Also,

the Commission will not preclude WCS licensees from pairing this spectrum on their own initiative, whether through submission of winning bids for each block at auction or through spectrum aggregation in the aftermarket. Another advantage of this overall initial licensing approach is that the offering of only four licenses in each service area will allow the WCS auction to be completed within the timetable contemplated by the Appropriations Act. In this respect, the Commission believes that this licensing plan is superior to other options suggested by the commenters that would involve greater licensing complexity and probably greater delay. The initial channel blocks the Commission has selected are shown in the Table below.

Channel block	Frequency range
A	2305–2310 and 2350–2355 MHz.
B	2310–2315 and 2355–2360 MHz.
C	2315–2320 MHz.
D	2345–2350 MHz

19. As discussed, *infra*, the Commission also is allowing for spectrum aggregation and disaggregation, without restriction, so that parties, for example, desiring to employ technology that requires unpaired spectrum or asymmetrically paired spectrum can either disaggregate the channels initially offered or purchase additional needed amounts of spectrum in the after-market. In addition, applicants may bid on all four channel blocks in a service area and, if successful, render the type of services addressed by those commenters supporting the licensing of WCS spectrum in a single 30 MHz block. Thus, the initial offering of WCS spectrum in 5 MHz or 10 MHz blocks does not preclude the offering of services which might require a greater amount of spectrum. Further, the disaggregation flexibility afforded licensees potentially allows provision of WCS services which require less spectrum than contained in the initial blocks. In sum, initially licensing the WCS spectrum according to the channel block plan identified above and allowing for spectrum aggregation and disaggregation will permit a wide variety of applicants to provide services and satisfy the requirements of the Appropriations Act. The Commission also believes that providing for four blocks, along with our spectrum disaggregation rules, will promote the objectives of Section 309(j)(4)(C) of the Communications Act by providing for distribution of licenses and services among geographic areas and providing greater opportunity for a wide variety of applicants, including small businesses and other designated entities, than would be possible under a single 30 MHz block plan.

iii. Licensed Service Areas

20. In deciding on the appropriate service areas size for WCS licenses, the Commission must balance several factors. The Commission wishes to encourage the rapid deployment of new telecommunications technologies and services on WCS spectrum; thus, the Commission must assess the use or uses to which this spectrum is likely to be put and determine the geographic scope that would best facilitate rapid deployment thereof. In addition, the Commission believes that because this spectrum has not heretofore been used to provide commercial services and no equipment has yet been developed for use in this band, consumers would benefit if the WCS band plan enables equipment manufacturers to realize economies of scale that will translate to lower equipment costs to service providers. The Commission also recognizes that the Appropriations Act directed it to ''assign the use of (WCS) frequencies by competitive bidding pursuant to section 309(j).'' Appropriations Act, section 3001(a)(2). Section 309(j) of the Communications Act includes as objectives for competitive bidding the avoidance of excessive concentration of licenses and the dissemination of licenses among a wide variety of applicants. *See* 47 U.S.C. 309(j)(3)(B). In addition, the Commission is mindful of our statutory obligation to conduct the auction for WCS licenses to ensure that all proceeds are deposited by September 30, 1997, and of our experience in previous auctions, which has shown that simultaneous, multiple round auctions for a larger number of licenses are more complex and take longer to complete than similar auctions involving fewer licenses. Finally, the Commission notes that aggregation of both spectrum and service areas through the auction process has proven to be an effective method of allowing bidders to acquire the right amount of spectrum for their business needs.

21. Balancing the various factors noted above, the Commission concludes that WCS will be licensed in two ways. First, with respect to the C and D blocks, WCS will be licensed on the basis of regional areas similar to those used in our narrowband PCS rules. In WCS, however, the Commission will define the regions by aggregating EAs in the continental United States into 6 larger groupings. The Commission will refer to these service areas as Regional Economic Area Groupings (REAGs). In addition, consistent with the Commission's approach in other services, the Commission will create separate REAGs covering the five U.S. possessions, as follows: Guam and the Northern Mariana Islands (REAG # 9), Puerto Rico and the U.S. Virgin Islands (REAG # 10) and American Samoa (REAG # 11), as well as separate service areas for Alaska (REAG # 7) and Hawaii (REAG # 8). As discussed more fully *infra*, the Commission also will create a service area in the Gulf of Mexico (REAG # 12). Second, the A and B blocks will be licensed in smaller areas, by aggregating EAs into 46 areas (to be called Major Economic Areas, or MEAs) in the continental United States and an additional 6 areas covering Alaska (MEA # 47); Hawaii (MEA # 48); Guam and the Northern Mariana Islands (MEA # 49); Puerto Rico and the U.S. Virgin Islands (MEA # 50); American Samoa (MEA # 51); and the Gulf of Mexico (MEA # 52). The Commission believes that this licensing scheme satisfies the various and often conflicting positions raised by the commenters and will best accommodate our objectives under 309(j) of the Communications Act.

22. Specifically, the larger WCS license areas that the Commission will provide for in the C and D blocks will accommodate those commenters who argue that large areas will (1) encourage the rapid development and deployment of innovative service; (2) facilitate interoperability and the setting of standards; (3) allow for economies of scale that will encourage the development of low cost equipment; and (4) facilitate provision of satellite DARS services. Many commenters in this proceeding point out that WCS spectrum can be used effectively to provide wireless local loop, broadband data services and DARS services. At least with respect to these services, there may be significant economic efficiencies that could be realized—to the ultimate benefit of consumers—if these services were to be provided with nationwide scope. Licensing the C and D blocks in WCS on a REAG basis may facilitate aggregation of service areas and speed implementation of these new services.

23. In addition, a number of commenters point out that ensuring technical coordination and minimizing interference across geographic areas is very difficult when the exact nature of the services to be provided is unknown and the spectrum may be used to provide a variety of service offerings. The larger service areas in the C and D

blocks will speed and simplify the process of interference coordination along geographic boundaries, as well as minimize transaction costs and disputes arising from interference, and facilitate implementation of services that would require roaming capabilities and easy interoperability. In addition, because equipment currently is not available for use in this band, the larger service areas in the C and D blocks also should enable manufacturers to achieve greater economies of scale in production of equipment, thus reducing its per-unit cost and allowing more rapid deployment of services to the ultimate benefit of consumers.

24. While the Commission is mindful of the desire of some parties to have large licenses, the Commission also agrees with commenters that contend that smaller businesses will have more difficulty competing in the WCS auction for licenses in the large regions. In this regard, the Commission believes that the creation of smaller MEAs in the A and B blocks (along with the large bidding credits provided for small businesses, *see infra*), will provide greater opportunities for smaller businesses to compete in an auction and participate in the provision of WCS services. The Commission further notes that, consistent with views of some commenters, these smaller service areas will: (1) Enable a larger number of entities to participate in the provision of services and result in increased competition; (2) encourage a more diverse group of service providers due to the lower costs of participating in the auction; and (3) result in broader flexibility in service offerings by WCS licensees. The Commission also believes that these smaller service areas will encourage efficiencies by making it easy for a bidder to acquire licenses for only as much area as required for its prospective service.

25. The Commission notes that some commenters support even smaller BTAs and MSAs/RSAs to facilitate participation in the WCS service by small businesses. The Commission finds that service areas based on such smaller areas might compromise its ability to complete the WCS auction within the statutorily mandated time frame. In any event, the Commission notes that in addition to the large bidding credits offered to small businesses, our provisions for partitioning and disaggregation (*see infra*) should work to provide significant opportunities to smaller businesses to participate in the provision of WCS services.

26. As noted above, two commenters, SOSCO and PetroCom, advocate licensing the Gulf of Mexico as a separate service area to help meet the growing communications needs of petroleum and natural gas providers in the area. In light of those requests, the Commission designates a separate REAG and MEA covering the Gulf of Mexico. The Commission determines that land-based license regions abutting the Gulf of Mexico will extend to the limit of the territorial waters of the United States in the Gulf, which is the maritime zone that extends approximately twelve nautical miles from the U.S. baseline. Beyond that line of demarcation, the Commission will create the Gulf of Mexico REAG and MEA, which will extend from that line outward to the broadest geographic limits consistent with international agreements (*see* maps at Appendices C and D of the *Report and Order*). The limits and coordination of signal strengths at the boundaries of the service areas meeting in the Gulf region will be the same as those that will apply for all service areas.

27. Finally, the Commission notes that several commenters argue that their suggested WCS licensed service area sizes will increase auction revenues. The Commission wishes to make clear that, consistent with section 309(j)(7)(A) of the Communications Act, the Commission has considered the communications needs of potential service providers and the American public in developing these service areas. The Commission has not considered anticipated auction revenue.

B. Use of Competitive Bidding

28. The Commission will adopt rules providing for the assignment of these frequencies through the use of competitive bidding pursuant to section 309(j). As the Commission noted in the *NPRM*, the Appropriations Act directs the Commission to assign licenses to use the 2305–2320 and 2345–2360 MHz bands through competitive bidding pursuant to Section 309(j) of the Communications Act. Section 309(j) provides that auctions may be used to award licenses among mutually exclusive applicants where the principal use of such spectrum will involve, or is reasonably likely to involve, a subscription-based service. *See* 47 U.S.C. 309(j)(1), (2). The Commission continues to believe that it is reasonable to conclude that the principal use of WCS spectrum will involve, or is reasonably likely to involve, the transmission or reception of communications signals to subscribers for compensation. While the Commission has decided to permit WCS licensees to provide a range of services, the uses of this spectrum most mentioned by commenters appear to involve services that would be provided on a subscription basis. Fixed (and radiolocation) services that could be provided include services similar to the Multichannel Multipoint Distribution Service (''MMDS''), the Location and Monitoring Service (''LMS''), Digital Termination Systems (''DTS''), Digital Electronic Messaging Service (''DEMS''), wireless local loop, and certain of the services provided by Local Multipoint Distribution Service (''LMDS''). Although it may be technologically infeasible to provide mobile services as a WCS offering in the near future due to the necessity for strict technical standards (*see infra*), services that may ultimately be provided include those similar to PCS, cellular, Specialized Mobile Radio (''SMR'') and paging. All of these services currently are provided to subscribers for compensation and the Commission believes that it is reasonable to expect that WCS offerings will be provided on a similar basis. In this regard, even if a WCS licensee chooses to offer a satellite DARS service on that portion of the spectrum available for such use, the Commission believes it is likely that such service also will be offered on a subscription basis.

29. The Commission's decision today also advances the objectives contained in section 309(j) of the Communications Act. Section 309(j)(3)(A) directs the Commission to seek to promote the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays. In this regard, the Commission believes that its service and licensing rules, in conjunction with its allocation plan, will allow for and foster the development of a range of new services and technologies. These policies also will advance the objective, expressed in section 309(j)(3)(B), of promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telcos, and businesses owned by members of minority groups and women.

30. The Appropriations Act states that in making these frequencies available for competitive bidding, the Commission shall seek to promote the most efficient use of the spectrum. *See* Appropriations Act, section 3001(b)(1). As the Commission stated in the *NPRM*, the Commission believes that its competitive bidding rules will ensure

that spectrum is made available to those who value it most highly and therefore are most likely to put it to its most economically efficient use. This outcome will be further assured by the Commission's use of a simultaneous, multiple round auction that will allow applicants to aggregate spectrum and service areas into parcels of efficient size and to realize economies of scale and scope without the need for costly and time consuming post-auction transactions. In addition, as indicated above, the Commission has decided to permit the WCS licensee to provide fixed, mobile, radiolocation or satellite DARS services. The Commission believes there are significant competitive alternatives for each of these types of services that will ensure that WCS licensees have incentives to operate in an efficient and effective manner. The Commission therefore believes that there will be sufficient market incentives to promote the most efficient use of the 2305–2320 and 2345–2360 MHz bands, as required by the Appropriations Act and section 309(j)(3)(D) of the Communications Act.

C. Consideration of Public Safety Needs

31. As the Commission discussed in the *NPRM,* the Appropriations Act instructs it to take into account the needs of public safety radio services in making the WCS spectrum available through competitive bidding. Recognizing that the Appropriations Act marks the first time that Congress has specifically directed the Commission to consider the needs of public safety radio services in connection with licensing a particular spectrum band, the Commission sought comment generally on how it can best effectuate Congressional intent with regard to public safety needs as related to this spectrum. In addition, the Commission noted that in a post-enactment letter, the Chairman and Ranking Member of the House Committee on Commerce suggest that the Commission, consistent with its obligation to promote the public interest, pay particular attention to how the needs of public safety as well as commercial applicants may best be met in determining how to design this auction. The Commission referred to the recommendations made by the Public Safety Wireless Advisory Committee in its final report, and asked interested parties how our WCS rules should be fashioned so as to benefit the public safety community consistent with those recommendations. Finally, the Commission invited commenters to address a broad array of options, including making an allocation of some portion of the WCS spectrum for public safety entities, assigning the WCS spectrum with an obligation to contribute toward needs identified by the public safety community, and taking steps to encourage the use of WCS spectrum for services useful to public safety entities.

32. The Appropriations Act requires that the Commission take into account the needs of public safety radio services. Therefore, the Commission must consider the communications needs of the public safety community in assigning WCS frequencies. The record compiled in this proceeding and in the Commission's public safety proceeding demonstrates that spectrum currently allocated to public safety spectrum is inadequate to meet the public safety community's voice and data needs. In addition, this record suggests that currently allocated spectrum will not permit deployment by public safety agencies of needed advanced data and video systems. The Appropriations Act requires, however, that the use of 30 MHz of spectrum in the 2.3 GHz band be assigned by competitive bidding pursuant to section 309(j) of the Communications Act. The Commission therefore concludes that allocating a portion of the 2.3 GHz spectrum for public safety appears to be inconsistent with the Appropriations Act because, pursuant to the Commission's auction authority, the Commission is not permitted to assign spectrum to public safety applicants by competitive bidding.

33. In any case, even if spectrum were to be allocated for assignment only to public safety entities, the Commission does not believe that such an allocation would be the best way to meet those needs. The Commission notes that the WCS spectrum was not identified in the *PSWAC Final Report* as useful in meeting the public safety community's spectrum requirements. In this regard, the Commission believes that it is significant that APCO, the only public safety entity to comment in this proceeding, noted in its recent *ex parte* filing that facilitating possible public safety use of a small portion of the 2.3 GHz band for non-mission critical operations will have little or no impact on the spectrum needs identified by PSWAC. In addition, the Commission believes that it is significant that public safety entities do not currently have operations in any spectrum in or near the 2.3 GHz band. Thus, it may be more difficult for public safety entities to avail themselves of equipment economies of scale or to integrate this spectrum into their current communications systems. In addition, even if WCS spectrum were of some use to the public safety community, costly networks would still need to be constructed in order for useful services to be provided. In this regard, the Commission finds it significant that, as noted above, several commenters (both public safety entities and others) questioned whether a specific public safety allocation at 2.3 GHz would significantly assist public safety entities given the technical configuration and the financial resources that a 2.3 GHz system would require.

34. The record in this proceeding also demonstrates that public safety agencies require additional funding to enable them to migrate to new spectrum and to upgrade and purchase new equipment. In addition, the Commission notes that the *PSWAC Final Report* found, the radio systems used by the Public Safety community are laboring under increasing burdens. Equipment is old and funding for new equipment is often scarce. The *PSWAC Final Report* also found that funding for acquisition of new spectrum-efficient technologies and/or relocation to different frequency bands is likely to be a major impediment to improving Public Safety wireless systems. The *PSWAC Final Report* includes recommendations regarding the future operational requirements of public safety agencies, methods for achieving greater interoperability among agencies, the technologies that are and will be available to meet public safety requirements, and the amount of radio spectrum that will be necessary to meet these requirements. Many of these requirements can be met by the Commission's allocation of additional spectrum to public safety agencies, and the report examined alternative approaches for obtaining funding to assist public agencies in an orderly migration to new spectrum allocations and advanced technologies.

35. The Commission believes that, in order for the future needs of public safety wireless communications to be satisfied, new sources of funding will have to be devised. This is true regardless of the amount of spectrum made available for public safety. In this proceeding, the Commission has considered whether funds from the WCS auction could provide a source of funding for public safety agencies. The Commission notes, however, that section 309(j)(8)(A) requires that ''all proceeds from the use of a competitive bidding system under this subsection shall be deposited in the Treasury * * * .'' 47 U.S.C. 309(j)(8)(A). The only exceptions to this general rule are contained in sections 309(j)(8)(B) (providing for retention of revenues as

an offsetting collection for developing and implementing the auction program) and 309(j)(8)(C) (providing for deposit of upfront payments in an interest-bearing account, with interest transferred to the Telecommunications Development Fund). Therefore, it appears that legislative action is required before auction revenues can be used to provide a source of funding for public safety agencies to acquire new communications technologies. It is the Commission's belief that public safety agencies would benefit greatly from such action. The Commission notes that legislation recently introduced by Senator John McCain would provide for a portion of the revenues raised from an auction of spectrum currently used by television broadcast stations operating on channels 60–69 to be earmarked for ''funding State and local law enforcement and public safety agencies' mission-related radio communications capabilities.'' *See* S. 255, The Law Enforcement and Public Safety Telecommunications Empowerment Act, as introduced in the United States Senate on February 4, 1997, section 5(b)(1). The Commission believes that legislative approaches such as that taken in the McCain bill would substantially aid public safety agencies in their communications needs and thereby improve the safety of all Americans.

36. Though the Commission has concluded that designating 2.3 GHz spectrum for use exclusively by public safety entities is not advisable, the Commission emphasizes its continuing commitment to address public safety needs. Specifically, the Commission is considering the operational, technical and spectrum requirements of the public safety community in our Public Safety proceeding. *See The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, WT Docket No. 96–86, *Notice of Proposed Rule Making*, 11 FCC Rcd 12460, 61 FR 25185 (May 20, 1996). That proceeding examines what spectrum bands could be useful for meeting existing and future communications requirements, including voice, data (such as transmission of fingerprints, building floor plans and medical data), and video for surveillance monitoring. The Commission expects that additional spectrum will be made available for public safety use as a result of that proceeding, and that its decision in that proceeding will address the specific communications requirements and bands identified by PSWAC. In addition, the Commission notes that several commenters, including APCO and Motorola, reiterated the public safety community's need for 24 MHz of spectrum at UHF channels 60–69. The Commission believes that their proposal has merit and plan to give it serious consideration in our Digital Television proceeding. *See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MM Docket No. 87–268, *Sixth Further Notice of Proposed Rule Making*, 11 FCC Rcd 10968, 61 FR 43209 (August 21, 1996). The Commission notes that legislation recently introduced by Senator McCain would direct the Commission to allocate 24 MHz of the channel 60–69 spectrum to public safety use, *See* S. 255, *The Law Enforcement and Public Safety Telecommunications Empowerment Act, as introduced in the United States Senate on February 4, 1997*, section 4(a), and that the Administration's 1998 budget also supports such a reallocation. *See Testimony of Larry Irving, Assistant Secretary for Communications and Information, U.S. Department of Commerce, before the Subcommittee on Telecommunications, Trade and Consumer Protection of the U.S. House of Representatives Committee on Commerce, February 12, 1997*, at 24; *see also Statement by Attorney General Janet Reno on Proposal to Set Aside Communications Frequencies for Public Safety Use*, released February 6, 1997.

37. The Commission declines to adopt special provisions to benefit petroleum and natural gas providers, railway operators and operators of water supply systems. Though the Commission recognizes that these entities perform valuable public service functions, the Commission does not believe that Congress intended that they be included in the class of ''public safety radio services'' that the Appropriations Act directs the Commission to take into account in this proceeding. The Commission's Rules define that term to include ''Local Government, Police, Fire, Highway Maintenance and Forestry-Conservation Radio Services.'' 47 CFR 90.15. The Commission declines to deviate from this established definition.

D. Service and Technical Rules

i. Eligibility

38. The Commission concludes that, with the exception of the foreign ownership restrictions set forth in section 310 of the Communications Act, *see* 47 U.S.C. 310, there will be no eligibility restrictions on participation in WCS. As the Commission stated in the *NPRM*, opening the WCS market to a wide range of applicants will permit and encourage entrepreneurial efforts to develop new technologies and services. The Commission also believes that, given the relatively large amount of spectrum that is available to provide services similar to those that can be operated on the WCS spectrum, providing open eligibility in this instance will not lead to excessive concentration of market power. The Commission agrees with CPI that Section 27.302 should ensure that WCS licensees are subject to all of the foreign ownership restrictions set forth in Section 310 of the Communications Act to the extent the restrictions are applicable to the particular service in question. Thus, for example, common carrier services would be subject to the restrictions in section 310(b). *See* 47 U.S.C. 310.

ii. CMRS Spectrum Cap

39. The decisional factor in whether to apply the CMRS spectrum cap to any particular service is a balancing of the potential benefits and costs. The Commission believes that, in these unique circumstances where the Commission is allocating spectrum and licensing a wholly new service pursuant to congressional directive, the potential benefits do not outweigh the potential costs. Thus the Commission will not count holdings of WCS spectrum at 2.3 GHz against the CMRS spectrum cap.

40. As the Commission noted in the *NPRM*, the CMRS spectrum cap was imposed out of concern that ''excessive aggregation [of spectrum] by any one of several CMRS licensees could reduce competition by precluding entry by other service providers and might thus confer excessive market power on incumbents.'' *Implementation of sections 3(n) and 332 of the Communications Act*, GN Docket No. 93–252, *Third Report and Order*, 9 FCC Rcd 7988, 8101, 59 FR 59945 (November 21, 1994) (''*CMRS Third Report and Order*''). The spectrum cap is intended to promote a vigorous competitive market for the provision of commercial mobile radio services, and to ensure that each mobile service provider (*i.e.*, cellular, PCS or SMR licensee) has the opportunity to obtain sufficient spectrum to compete effectively and that no single provider is able to preclude the provision of service by effective competitors or significantly reduce the number of competitors by aggregating spectrum.

41. As discussed more fully in Section III.D.7, *infra*, because the spectrum allocated for satellite DARS is situated between the two WCS bands, limitations

on out-of-band emissions by equipment operating on WCS spectrum are needed to protect against interference with sensitive satellite DARS reception. The Commission believes that the out-of-band emission limits we are adopting likely will, at least in the near term, make mobile operations in the WCS spectrum technologically infeasible. Hence, there is little likelihood that allowing an incumbent CMRS licensee to acquire enough WCS spectrum that its total CMRS and WCS spectrum holdings exceed the 45 MHz cap would have anticompetitive consequences for mobile services. Application of the CMRS spectrum cap to WCS spectrum is not necessary to guard against excessive concentration in the CMRS market or the accumulation of undue market power.

42. Conversely, even if it is technically feasible to use this spectrum for CMRS-type service, applying the cap and excluding many existing CMRS providers from acquiring WCS licenses would, the Commission believes, carry significant potential costs for consumers. With their existing base station infrastructures, CMRS licensees may be the most efficient users of WCS spectrum because economies of scope may be large in the provision of new services combined with the provision of conventional mobile voice CMRS. For example, it may be that a current CMRS licensee would be able to use its existing infrastructure to provide fixed services in the most cost efficient manner. Site acquisition and zoning approval for new facilities is both a major cost component and a major delay factor in deploying wireless systems. Facilities at existing cellular or PCS sites might accommodate additional equipment for new services or be modified to do so at a significantly lower cost than deploying a whole new cell infrastructure for the new service in a crowded environment. There may be other economies of scope in the provision of different services as well. Applying the CMRS spectrum cap to the WCS spectrum would interfere with the realization of these savings by preventing the direct participation by those entities who own the existing CMRS infrastructure, and consequently, prevent consumers from benefiting from these savings, with little off-setting benefit in competition.

43. The Commission recognizes that not applying the cap to WCS spectrum may result in some CMRS licensees acquiring spectrum and, provided that the technical obstacles noted *infra* can be overcome, that at some point these licensees may use WCS spectrum to compete against other CMRS licensees that have not acquired WCS spectrum. The Commission does not believe, however, that such a circumstance substantially risks impairing competition in the CMRS marketplace. When 30 MHz PCS systems are fully deployed with the minimum number of cells needed for competitive coverage, they will provide a large increase in capacity over what is currently available. As for the argument that regulatory parity compels application of the CMRS spectrum cap to WCS spectrum, the Commission disagrees. Whether or not the cap is applied, all CMRS providers stand on equal footing with respect to the acquisition of WCS licenses, and any entity using WCS spectrum to provide CMRS services will be regulated in the same manner as all other CMRS providers.

iii. Disaggregation and Partitioning

44. Consistent with the weight of the comments and with the Commission's recent decision to adopt the approach proposed in WT Docket No. 96–148 for broadband PCS, *See Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees; Implementation of Section 257 of the Communications Act—Elimination of Market Entry Barriers,* WT Docket No. 96–148, *Report and Order and Further Notice of Proposed Rule Making,* FCC 96–474, 62 FR 696 (January 6, 1997) (''*Partitioning and Disaggregation R&O*''), the Commission adopts its proposals for geographic partitioning and spectrum disaggregation. We will permit WCS licensees to partition their service areas into smaller geographic service areas and to disaggregate their spectrum into smaller blocks. We also conclude that the specific rules pertaining to partitioning and disaggregation in WT Docket No. 96–148 shall apply to WCS licensees. In addition, for the purposes of partitioning and disaggregation, we will require that WCS systems be designed so as not to exceed a signal level of 47 dBuV/m at the licensee's service area boundary, unless the affected adjacent service area licensees have agreed to a different signal level.

45. In WT Docket No. 96–148, the Commission decided to permit geographic partitioning by broadband PCS licensees along any service area defined by the partitioner and partitionee. *See Partitioning and Disaggregation R&O.* In addition, the Commission decided to permit spectrum disaggregation by broadband PCS licensees without restriction on the amount of spectrum to be disaggregated. The Commission concluded that allowing parties to decide without restriction the amount of spectrum to be disaggregated will encourage more efficient use of the spectrum and permit the deployment of a broader mix of service offerings, both of which will lead to a more competitive wireless marketplace. *Id.* We believe that this reasoning applies with equal force to WCS. Therefore, subject to the provisions discussed below with respect to licensees who take advantage of bidding credits, once an initial WCS license is granted, licensees will be free to partition their service areas and disaggregate their spectrum. Finally, consistent with PCS and other CMRS services, WCS licensees will be allowed to use management and operational arrangements to permit others to use portions of their spectrum and geographic service areas. The Commission wishes to emphasize that the WCS licensee must retain ultimate control over and responsibility for all operations under such arrangements.

46. The Commission concludes that any licensee will be permitted to partition its service area as long as it submits sufficient information to the Commission to maintain our licensing records. Partitioning applicants will be required to submit, as separate attachments to the partial assignment application, a description of the partitioned service area and a calculation of the population of the partitioned service area and licensed market. The partitioned service area must be defined by coordinate points at every 3 degrees along the partitioned service area agreed to by both parties, unless either (1) an FCC-recognized service area is utilized (*i.e.,* Major Trading Area, Basic Trading Area, Metropolitan Service Area, Rural Service or Economic Area) or (2) county lines are followed. These geographical coordinates must be specified in degrees, minutes and seconds to the nearest second of latitude and longitude, and must be based upon the 1927 North American Datum (NAD27). Applicants also may supply geographical coordinates based on 1983 North American Datum (NAD83) in addition to those required based on NAD27. This coordinate data should be supplied as an attachment to the partial assignment application, and maps need not be supplied. In cases where an FCC-recognized service area or county lines are being utilized, applicants need only list the specific area(s) (through use of FCC designations) or counties that make up the newly partitioned area.

47. Similarly, where WCS licensees seek to disaggregate their WCS spectrum, the Commission will not

require the disaggregating party to retain a minimum amount of spectrum. The Commission will allow disaggregating parties to negotiate channelization plans among themselves as part of their disaggregation agreements, and the Commission will continue to require that such plans provide the necessary out-of-band emission protections to third party licensees as required by our rules. The Commission is not adopting a limit on the maximum amount of spectrum that licensees may disaggregate. The Commission finds no evidence at this time that a maximum limitation for disaggregation is necessary. WCS licensees shall be permitted to disaggregate spectrum without limitation on the overall size of the disaggregation as long as such disaggregation is otherwise consistent with our rules.

48. The Commission declines to adopt RTG's proposal to provide rural telcos with a right of first refusal. Section 254 of the Telecommunications Act of 1996, Pub. L. 104–104, section 101, 110 Stat. 56 (1996), states that, in seeking to promote its goal of universal service, the Commission should ensure that consumers from all parts of the Nation, including rural areas, have access to telecommunications and information services that is comparable to service in other, more urban areas and at rates that are comparable to the rates available in urban areas. Granting rural telcos a right of first refusal would be at odds with the Commission's goals of ensuring that the largest number of entities participate in the WCS marketplace and eliminating barriers to entry for small businesses. As the Commission concluded in WT Docket No. 96–148, the Commission also believes that a right of first refusal would be difficult to administer and could discourage partitioning. *Partitioning and Disaggregation R&O*. For example, an area proposed for partitioning to a non-rural telco may intersect with an area for which a rural telco has a right of first refusal. A further problem would be uncertainty as to whether the rural telco's right of first refusal would continue after the auction winner partitioned the license area to another party. Additionally, a partitioning agreement may be part of a larger assignment transaction. If a rural telco were able to exercise a right of first refusal with respect to a partitioned area, it may not be possible to separate out the partitioning agreement to stand on its own and the entire assignment transaction could not be consummated.

49. If a WCS licensee that received a bidding credit partitions a portion of its license to an entity that would not meet the eligibility standards for a similar bidding credit, the Commission will require that the licensee reimburse the government for the amount of the bidding credit calculated on a proportional basis based upon the ratio of population of the partitioned area to the overall population of the licensed area. *See* 47 CFR 1.2110(f) and 24.717(c)(1). If a licensee that received a bidding credit partitions to an entity that would qualify for a lesser bidding credit, the Commission will require that the licensee reimburse the government for the difference between the amount of the bidding credit obtained by the licensee and the bidding credit for which the partitionee is eligible, calculated on a proportional basis based upon the ratio of population of the partitioned area. *See* 47 CFR 1.2110(f) and 24.717(c)(2). Similar provisions shall apply where a WCS licensee that receives a bidding credit seeks to disaggregate a portion of its spectrum to an entity that would not have qualified for such a bidding credit. All such unjust enrichment payments will be calculated based upon the ratio of the amount of spectrum disaggregated to the amount of spectrum retained by the original licensee. With respect to disaggregation from one licensee that qualified for a bidding credit to another licensee that would also qualify for a bidding credit, the Commission will adopt an approach similar to that adopted for partitioning.

50. Finally, to allow WCS licensees flexibility to design the types of agreements they desire, the Commission will follow its decision in WT Docket No. 96–148 to permit combined partitioning and disaggregation. For example, a party may obtain a license for a single county with only 5 MHz of WCS block A spectrum. By allowing such combined partitioning and disaggregation, we believe that the goals of providing competitive service offerings, encouraging new market entrants, and ensuring quality service to the public will be advanced. The Commission further concludes that in the event that there is a conflict in the application of the partitioning and disaggregation rules, the partitioning rules should prevail. For the purpose of applying the Commission's unjust enrichment provisions relating to bidding credits, when a combined partitioning and disaggregation is proposed, the Commission will use a combination of both population of the partitioned area and amount of spectrum disaggregated to make these *pro rata* calculations. For example, if a WCS licensee that availed itself of a bidding credit and a non-qualifying partitionee/disaggregatee were to agree on a 20 percent disaggregation of spectrum over 30 percent of the population of the licensed service area, an unjust enrichment payment of 6 percent (.20 x .30) of the bidding credit would be required.

51. The Commission also notes that these geographic partitioning and spectrum disaggregation rules, while not a substitute for licensing directly from the Commission, nevertheless will help to eliminate market entry barriers, consistent with section 257 of the Communications Act, by providing smaller, less capital-intensive areas and spectrum blocks which are more accessible by small business entities. *See* 47 U.S.C. 257.

iv. License Term

52. The WCS license term will be 10 years, with a renewal expectancy similar to that afforded PCS and cellular licensees. The Commission believes that this relatively long license term, combined with a renewal expectancy, will help to provide a stable regulatory environment that will be attractive to investors and, thereby, encourage development of this new frequency band. In the event that a WCS license is partitioned or disaggregated, any partitionee/disaggregatee will be authorized to hold its license for the remainder of the partitioner's/disaggregator's original ten-year license term, and the partitionee/disaggregatee will be required to submit the showings required at the five-year mark and with its renewal application. The Commission believes that this approach, which is similar to the partitioning provisions we recently adopted for the MDS and for current broadband PCS licensees is appropriate because a licensee, through partitioning, should not be able to confer greater rights than it was awarded under the terms of its license grant.

53. The Commission will require that a WCS licensee's renewal application include at a minimum the following showing to claim a renewal expectancy: (1) A description of current service in terms of geographic coverage and population served or links installed; (2) an explanation of the licensee's record of expansion, including a timetable for the construction of new base sites or links to meet changes in demand for service; (3) a description of the licensee's investments in its system; and (4) copies of any FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy, and a list of any pending proceedings that relate to any matter

described by the requirements for the renewal expectancy.

v. Performance Requirements

54. The Commission has concluded that, considering the unique circumstances in which WCS licenses are being awarded and the strict technical requirements necessary to prevent interference, it will adopt very flexible construction (or ''build-out'') requirements for WCS. Specifically, the Commission will require licensees to provide ''substantial service'' to their service area within 10 years. Although WCS licensees will have incentives to construct facilities to meet the service demands in their licensed service area, the Commission believes that minimum construction requirements can promote efficient use of the spectrum, encourage the provision of service to rural, remote and insular areas and prevent the warehousing of spectrum.

55. The build-out requirement that the Commission adopts today is the most liberal construction requirement adopted by the Commission to date. The Commission believes that this liberal build-out requirement is appropriate in the case of WCS for a number of reasons. First, the Commission is providing WCS licensees with the flexibility to offer a range of services using the WCS spectrum. Given the broad range of new and innovative services that the comments lead the Commission to believe might be provided over WCS spectrum, imposing strict construction requirements that would apply over the license term would be neither practical nor desirable as a means of meeting Section 309(j)'s objectives regarding warehousing and rapid deployment. Without knowing the specific type of service or services to be provided, it would be difficult to devise specific construction benchmarks. Further, given the undeveloped nature of equipment for use in this band and the technical requirements the Commission is adopting to prevent interference, the Commission is concerned that strict construction requirements might have the effect of discouraging participation in the provision of services over the WCS spectrum. It may be that a potential licensee could efficiently conduct certain operations on WCS spectrum, but must await further technological developments to do so affordably. Adopting strict construction requirements here could effectively preclude efficient uses of the spectrum. Particularly in light of the technological uncertainties associated with use of WCS spectrum to provide certain services consistent with the interference levels the Commission adopts today, the Commission believes that stringent build-out requirements are not warranted.

56. At the ten year period, the Commission will require all licensees to submit an acceptable showing to the Commission demonstrating that they are providing substantial service. Licensees failing to demonstrate that they are providing substantial service will be subject to forfeiture of their licenses. The Commission notes that in the past it has defined substantial service as ''service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.'' *See, e.g.*, 47 CFR 22.940(a)(1)(i). For WCS, however, the Commission believes that further elaboration on this standard in the form of examples of what might constitute substantial service is useful. Thus, for a WCS licensee that chooses to offer fixed, point-to-point services, the construction of four permanent links per one million people in its licensed service area at the ten-year renewal mark would constitute substantial service. In the alternative, for a WCS licensee that chooses to offer mobile services, a demonstration of coverage to 20 percent of the population of its licensed service area at the ten-year mark would constitute substantial service. In addition, the Commission may consider such factors as whether the licensee is offering a specialized or technologically sophisticated service that does not require a high level of coverage to be of benefit to customers, and whether the licensee's operations serve niche markets or focus on serving populations outside of areas served by other licensees. These safe-harbor examples are intended to provide WCS licensees a degree of certainty as to how to comply with the substantial service requirement by the end of the initial license term. This requirement can be met in other ways, and the Commission will review licensees' showing on a case-by-case basis.

57. The Commission believes that these build-out provisions fulfill its obligations under section 309(j)(4)(B). The Commission also believes that the auction and service rules which it is adopting for WCS, together with its overall competition and universal service policies, constitute effective safeguards and performance requirements for WCS licensing. Because a license will be assigned in the first instance through competitive bidding, it will be assigned efficiently to a firm that has shown by its willingness to pay market value its willingness to put the license to its best use. The Commission also believes that service to rural areas will be promoted by its decision to allow partitioning and disaggregation of WCS spectrum.

58. Finally, the Commission reserves the right to review this liberal construction requirements in the future if we receive complaints related to section 309(j)(4)(B), or if the Commission's own monitoring initiatives or investigations indicate that a reassessment is warranted. The Commission also reserves the right to impose additional, more stringent construction requirements on WCS licenses in the future in the event of actual anticompetitive or rural service problems and if more stringent construction requirements can effectively ameliorate those problems.

vi. Regulatory Status

59. The Commission concludes that it will rely on each WCS applicant to identify in its long-form application the type of WCS service or services it will provide. Although the Commission will not presume at the outset that a WCS applicant will provide CMRS service, the Commission continues to believe, as it stated in the *NPRM*, that this approach will allow the Commission to carry out its responsibilities while imposing the least regulatory burden on the licensee. The Commission also delegates to the Wireless Telecommunications Bureau and to the International Bureau authority to develop forms appropriate to collect this data, and to monitor changes in licensee status. The predominant uses of WCS spectrum mentioned by commenters involved personal communications such as broadband voice and data transmission, including wireless local loop and wireless Internet access. If WCS spectrum is used for satellite DARS services, those services will be governed by the satellite DARS regulations currently under development in IB Docket No. 95–91.

60. The Commission's decision to permit WCS licensees to provide a variety or combination of services requires that the Commission adopt a licensing framework that authorizes WCS licensees to provide non-common carrier services as well as common carrier services. The Commission has recently increased the flexibility of licensees in other wireless services to provide both common carrier and non-common carrier services. In adopting a new application form for MDS, for example, the Commission provided applicants with the option on the new form to indicate their choice for common carrier or non-common carrier regulatory status. *Amendment of Parts 21 and 74 of the Commission's Rules*

with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, MM Docket No. 94–131, and *Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, PP Docket No. 93–253, *Report and Order*, 10 FCC Rcd 9589, 9619, 60 FR 36524 (July 17, 1995) (''MDS and ITFS Competitive Bidding Report and Order''). For satellite services, the Commission has decided to provide all U.S.-licensed fixed satellite service systems with a choice between offering common carrier and non-common carrier services and also the opportunity to elect their regulatory classification in their applications. *Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Systems*, IB Docket No. 95–41, *Notice of Proposed Rule Making*, 10 FCC Rcd 7789, 7795–7796, 60 FR 24817 (May 10, 1995); *Report and Order*, 11 FCC Rcd 2429, 2436, 61 FR 9946 (March 12, 1996) (''*DISCO I Report and Order*''). In another proceeding, the Commission has adopted streamlined rules in part 25 for satellite services to use a simplified procedure to change licenses from non-common carrier status to common carrier status. *Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, IB Docket No. 95–117, *Notice of Proposed Rule Making*, 10 FCC Rcd 10624, 60 FR 46252 (September 6, 1995); *Report and Order*, FCC 96–425, 62 FR 5924 (February 10, 1997) (''*Satellite Rules Report and Order*''). Finally, when the Commission implemented DBS systems under interim rules it adopted a policy to permit the dual provision of common and non-common carrier services which continues under the permanent rules. The flexible licensing framework the Commission adopts for WCS is consistent with the treatment accorded these services.

61. The Commission therefore will allow the service offering selected by a WCS licensee to determine its regulatory status. If a service offering falls within the statutory definition of common carrier, *see* 47 U.S.C. 153, the licensee will be subject to Title II and the licensing requirements of Title III of the Communications Act and the Commission's Rules. Otherwise, services provided on a non-common carriage basis will be subject to Title III and certain other statutory and regulatory requirements, depending on the specific characteristics of the service. The Telecommunications Act of 1996 provides that a telecommunications carrier will ''be treated as a common carrier under this Act only to the extent that it is engaged in providing telecommunications services.'' 47 U.S.C. 153(44). A telecommunications service is the ''offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.'' 47 U.S.C. 153(46). Telecommunications means ''the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.'' 47 U.S.C. 153(43). The Commission adopted these definitions in new part 51, which provides the rules governing interconnection of such carriers. *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996—CC Docket No. 96–98, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, CC Docket No. 95–185, *First Report and Order*, 11 FCC Rcd 15499, 61 FR 45476 (August 29, 1996), adopting new Rule 51.5. The U.S. Court of Appeals for the Eighth Circuit has stayed the pricing rules in the Order, pending review on the merits. *See Iowa Utilities Board v. FCC*, No. 96–3321 (8th Cir., Oct. 15, 1996). Thus, to the extent a WCS licensee is providing a service that fits within these definitions, that licensee will be subject to Title II and governed by the common carrier requirements pertinent to its services. Those requirements are set out in Part 1 and other parts of the Commission's Rules. In addition, the regulatory treatment of WCS licensees who choose to offer fixed or mobile telecommunications services will be addressed by the Commission in WT Docket No. 96–6. *See Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services*, WT Docket No. 96–6, *First Report and Order*, 11 FCC Rcd 8965, 61 FR 43721 (August 26, 1996).

62. Apart from this designation of regulatory status, the Commission will not require WCS applicants to describe the services they seek to provide. It is sufficient that an applicant indicate its choice for regulatory status in a streamlined application process. In providing guidance on this issue to MDS applicants, for example, the Commission pointed out that an election to provide service on a common carrier basis requires that the elements of common carriage be present; otherwise, the applicant must choose non-common carrier status. Of course, if an applicant is unsure of the nature of its services and their classification as common carrier services, it may submit a petition with its application or at any time request clarification and include service descriptions for that purpose.

63. The Commission also declines to require an applicant to choose between either common carrier or non-common carrier status in providing services in instances where it proposes to provide services that include elements of both common carrier and non-common carrier services. Instead, the Commission will permit both common carrier and non-common carrier services in a single license. An applicant may request both common carrier and non-common carrier status in the same application, which will result in the issuance of both authorizations in a single license. The licensee will be able to provide all WCS services anywhere within its licensed area at any time. This approach achieves efficiencies in the licensing and administrative process. The Commission notes that it has allowed certain mobile services in part 24 and part 90 to be authorized in a single license on both a common carrier and private carrier basis in order to provide services in both categories of service. *Implementation of Sections 3(n) and 332 of the Communications Act: Regulatory Treatment of Mobile Services*, GN Docket No. 93–252, *Second Report and Order*, 9 FCC Rcd 1411, 1459, 59 FR 18493 (April 19, 1994); 47 CFR § 20.9(b).

vii. Out-of-Band Emission Limits

64. In the *NPRM*, the Commission stated that, because WCS will operate in the 2305–2320 and 2345–2360 MHz bands, interference protection is required for the following adjacent operations: (1) Satellite DARS at 2320–2345 MHz, (2) Government Deep Space Network receivers at 2290–2300 MHz, and (3) Government and commercial telemetry above 2360 MHz.

65. In order to provide protection to these adjacent operations, the Commission proposed that all emissions outside of the WCS bands of operation be attenuated below the maximum spectral power density (p) within the band of operation, as follows:

(1) *For fixed operations, including radiolocation*: By a factor not less than 43 + 10 log (p) decibels (''dB'') on all frequencies between 2300 and 2305 MHz and above 2360 MHz; and not less than 70 + 10 log (p) dB on all frequencies below 2300 MHz and between 2320–2345 MHz band.

(2) *For mobile operations, including radiolocation*: By a factor not less than 43 +

10 log (p) dB on all frequencies between 2300 and 2305 MHz, between 2320 and 2345 MHz, and above 2360 MHz; and not less than 70 + 10 log (p) dB on all frequencies below 2300 MHz.

(3) *For WCS satellite DARS operations*: The limits set forth in § 25.202(f) of the Commission's rules. *See* 47 CFR 25.202(f).

For fixed and mobile operations, including radiolocation, the Commission stated that the above requirements are based on peak power measurements (watts) using a resolution bandwidth of at least 1 MHz. In addition, to further protect operations in adjacent bands, the Commission proposed to require that the frequency stability of transmission within the 2305–2320 and 2345–2360 MHz bands be sufficient to ensure that the fundamental emissions remain within the authorized frequency bands.

66. Finally, in order to protect Government Deep Space Network receivers at 2290–2300 MHz, the Commission proposed to prohibit use of the 2305–2310 MHz band for airborne or space-to-Earth links. Further, the Commission proposed that WCS operations within 50 kilometers (31 miles) of 35°20′ North Latitude and 116°53′ West Longitude (coordinates of the Deep Space Network receive site) be subject to coordination. Alternatively, we requested comment on whether it would be more appropriate to require less out-of-band attenuation in the case of mobile transmitters (*i.e.*, such transmitters would be subject to only the 43 + 10 log (p) dB requirement) but require that the coordination zone be extended to 120 kilometers (75 miles). The Commission specifically requested that parties address the trade-offs with regard to lower mobile equipment costs and the additional coordination constraints imposed by this alternative.

67. Based on the record before it, the Commission finds that the WCS out-of-band limits proposed in the *NPRM* would be insufficient to protect certain sensitive operations on adjacent frequencies. While it is the Commission desire to provide WCS licensees with the maximum flexibility to provide a wide range of services, the Commission also must ensure that WCS operations do not cause harmful interference or disruption to adjacent satellite DARS reception or the operations of the Arecibo Observatory. With regard to satellite DARS reception in the 2320–2345 MHz band, the Commission concurs with those commenting parties that suggest that additional attenuation of WCS out-of-band emissions is needed to protect such operations. The Commission is therefore modifying its original proposal and will require that all emissions from WCS fixed transmitters be attenuated below the transmitter power (p) by at least 80 + 10 log (p) dB and that all emissions from WCS mobile transmitters be attenuated at least 110 + 10 log (p) dB within the 2320–2345 MHz band. In complying with these requirements, WCS equipment that uses circular polarization will be permitted to assume an allowance of 10 dB where such WCS equipment operates with opposite sense circular polarization from that used by DARS operators in the 2320–2345 MHz band.

68. In addition, the Commission clarifies that (p) is the output power of the transmitter, in watts. The Commission further clarifies that out-of-band emissions in any 1 MHz bandwidth must be attenuated by X + 10 log (p) dB below the output power of the transmitter, where X is the attenuation required for a one watt transmitter. In addition, the Commission believes that requiring the out-of-band emissions measurement to be made by setting the measurement instrument resolution bandwidth to 1 MHz would unfairly penalize WCS equipment due to the difficulty of eliminating energy outside of the 1 MHz resolution bandwidth. Therefore, for out-of-band emissions measurements the Commission believes it is appropriate to permit use of a measurement instrument resolution bandwidth of less than the reference bandwidth of 1 MHz, provided that the energy is integrated over a 1 MHz bandwidth.

69. The Commission believes that these changes will provide significantly improved interference protection to DARS from WCS operations. The Commission is aware that these out-of-band emission limits may have significant cost or service implications for WCS, especially for operations on the channels immediately adjacent to the 2320–2345 MHz band. In particular, the Commission understands that there is a substantial risk that the out-of-band emission limits it is adopting will, at least in the foreseeable future, make mobile operations in the WCS spectrum technologically infeasible. Nonetheless, the Commission finds that this level of attenuation is required in order to adequately protect satellite DARS reception from WCS transmissions. The Commission believes that WCS transmitters can meet these limits through a variety of measures, including the use of linear amplifiers, filters distributed throughout the transmitter, and spectrum shaping signal processing. In this regard, the Commission encourages potential WCS bidders and WCS equipment manufacturers to consult with one another prior to the commencement of the auction to determine what services and equipment can be economically provided on these frequencies. The Commission believes that the limits it is adopting will allow both WCS and DARS to successfully operate. The Commission also encourages and will allow WCS and DARS licensees to coordinate their operations to provide for greater or lesser protection on a mutually agreed basis. The Commission expects WCS and DARS licensees to cooperate fully to minimize the possibility of harmful interference from one service to the other.

70. With regard to satellite DARS operations in WCS spectrum and the Arecibo Observatory, the Commission finds Cornell's comments persuasive. Accordingly, satellite DARS operations will be limited to a maximum power flux density of -197 dBW/m^2/4 kHz in the 2370–2390 MHz band at Arecibo, Puerto Rico. The adoption of a power flux density limit has the advantages of being readily measurable and of not needing to be adjusted if spectrum outside the 2320–2345 MHz band is employed for satellite DARS operations. Thus, the Commission does not believe that Cornell's alternative out-of-band emission limit is necessary. Instead, since the location of the satellite will be known, it is a relatively simple matter for a satellite DARS licensee to meet this requirement.

71. With regard to fixed and mobile operations, the Commission is adopting Cornell's proposed out-of-band emission limit of 70 + 10 log (p) dB for all frequencies above 2370 MHz. The Commission also believes that this out-of-band emission limit will help to protect aeronautical telemetry and associated telecommand operations in the 2360–2390 MHz band and the launch vehicle frequencies at 2370.5 and 2382.5 MHz.

72. In order to protect the Deep Space receiver site located on Fort Irwin at Goldstone, California, the Commission is prohibiting use of the 2305–2310 MHz band for airborne or space-to-Earth links. Additionally, in the 2305–2320 MHz band, the Commission is requiring that all WCS equipment meet an out-of-band emission limit of 70 + 10 log (p) on all frequencies below 2300 MHz. Finally, all WCS operations within 50 kilometers of 35°20′ North Latitude and 116°53′ West Longitude must be coordinated with the National Telecommunications and Information Administration (''NTIA'').

73. In summary, the revised WCS out-of-band emission limits require that all emissions outside of WCS Blocks A, B,

C and D (''the licensed bands of operation'') be attenuated below the output power (p) of each transmitter, measured in watts, as follows:

(1) *For fixed operations, including radiolocation*: By a factor not less than 80 + 10 log (p) dB on all frequencies between 2320 and 2345 MHz.

For mobile operations, including radiolocation: By a factor not less than 110 + 10 log (p) dB on all frequencies between 2320 and 2345 MHz.

For fixed and mobile operations, including radiolocation: By a factor not less than 70 + 10 log (p) dB on all frequencies below 2300 MHz and on all frequencies above 2370 MHz; and not less than 43 + 10 log (p) dB on all frequencies between 2300 and 2320 MHz and on all frequencies between 2345 and 2370 MHz that are outside the licensed bands of operation. In addition, WCS operations within 50 kilometers of Goldstone, California must be coordinated with NTIA.

(2) *For WCS satellite DARS operations*: The limits set forth in Section 25.202(f) of the Commission's Rules apply, except that satellite DARS operations are limited to a maximum power flux density of −197 dB(W/m²/4 kHz) in the 2370–2390 MHz band at Arecibo, Puerto Rico.

74. In addition, the Commission believes it desirable to permit WCS and satellite DARS licensees to voluntarily negotiate different limits if they so choose. For example, a WCS licensee could negotiate an agreement with a satellite DARS licensee that would permit the former greater out-of-band emissions in exchange for monetary compensation, or vice versa. If WCS and satellite DARS licensees negotiate different limits, then the Commission will require that the parties to the agreement maintain this information as part of their station files and disclose it to prospective assignees or transferees.

75. The Commission also agrees with the commenting parties that some in-band technical limits are needed between adjacent WCS channel block operations in order to facilitate spectrum sharing. Accordingly, the Commission is adopting an in-band emission limit that will require WCS licensees to attenuate their signals by at least 43 + 10 log (p) at the edge of their block, except between commonly held channel blocks (which require no attenuation). The Commission notes that an attenuation of 43 dB is commonly employed in other services and that it has been found there to adequately prevent adjacent channel interference. *See* 47 CFR 22.359(iii), 22.917(e), and 24.238. Furthermore, the Commission believes that the adoption of a minimum adjacent block attenuation value of 43 dB—coupled with the median field strength of 47 dBuV/m at any location on the border of a WCS service area—is the least intrusive regulation possible that will minimize harmful interference.

viii. International Coordination

76. In the *NPRM* the Commission stated that until international agreements are completed WCS operations will be required to protect existing non-U.S. operations in the 2305–2320 and 2345–2360 MHz bands and WCS operations in the border areas would be subject to coordination with those countries, as appropriate. In addition, the Commission noted that satellite DARS operations on WCS spectrum would be subject to international satellite coordination procedures. The Commission stated that parties should be aware that international coordination could be a complex and lengthy process and could vary significantly depending upon the types of WCS services that are to be provided. The Commission stressed therefore that international coordination requirements should be taken into account in developing business plans for the provision of WCS and that international coordination would be particularly important for parties contemplating the provision of WCS in border areas or the provision of satellite DARS operations.

77. The Commission reiterates that international coordination will be required for WCS operations near the United States' borders and, depending on the service and its interference potential, may also be required for non-border areas. This coordination requirement particularly may affect the implementation of satellite DARS operations in the 25 MHz of WCS spectrum being allocated to DARS on a co-primary basis with other services. Potential satellite DARS applicants should consult the February 16, 1996 letter from the FCC Satellite Engineering Branch to representatives of the current four satellite DARS applicants and responses thereto that address coordination in these bands for satellite DARS. These documents are filed in IB Docket No. 95–91, GN Docket 90–357, RM No. 8610, PP–24, PP–86, and PP–87. Use of the WCS spectrum for DARS services will be governed by the rules and regulations that will apply to the exclusive DARS spectrum between 2320–2345 MHz. These rules are expected to be adopted shortly in a Report and Order to be issued in IB Docket No. 95–91. *See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band*, IB Docket No. 95–91, GEN Docket No. 90–357, *Notice of Proposed Rule Making*, 11 FCC Rcd 1, 60 FR 35166 (July 6, 1995).

ix. RF Safety

78. With regard to RF safety requirements, the Commission proposed in the *NPRM* to treat WCS services and devices, operating within the 2305–2320 MHz and 2345–2360 MHz bands, in a comparable manner to other services and devices that have similar operating characteristics. The Commission noted that §§ 1.1307(b), 2.1091 and 2.1093 of our Rules list the services and devices for which an environmental evaluation must routinely be performed. *See* 47 CFR 1.1301, 1.1307(b), 2.1091, and 2.1093. The RF radiation exposure limits are set forth in 47 CFR 1.1310, 2.1091, and 2.1093, as applicable. Accordingly, the Commission proposed that an environmental evaluation for RF exposure would be required for the following WCS operations: (1) Transmitting terrestrial stations in the satellite DARS service, *e.g.*, ''gap fillers''; (2) fixed operations, including base stations and radiolocation, that have an effective radiated power (''ERP'') greater than 2000 watts; and (3) mobile and portable devices. The Commission invited comment on this proposal and requested suggestions for alternatives that would ensure public health with respect to exposure to RF radiation.

79. In the *NPRM*, the Commission proposed not to limit the output power of any WCS transmitter, but to require that WCS transmitters comply with our RF exposure limits. The Commission recognizes Omnipoint's concerns; however, the Commission notes that it recently adopted new, more stringent exposure limits in ET Docket No. 93–62 which apply to all frequencies between 300 kHz and 100 GHz. *See Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, ET Docket No. 93–62, *Report and Order*, 11 FCC Rcd 15123, 61 FR 41006 (August 7, 1996). *See also First Memorandum Opinion and Order*, ET Docket No. 93–62, 11 FCC Rcd 17512, 62 FR 3232 (January 22, 1997). When adopting these new exposure limits, the Commission considered recommendations from, *inter alia*, the Environmental Protection Agency, the Food and Drug Administration, and other federal health and safety agencies. Although Omnipoint has raised questions about the power threshold below which WCS facilities would be excluded from routinely determining compliance with the new exposure limits, the Commission has not received information in this proceeding indicating that the new exposure limits would not adequately protect public health at WCS operating frequencies.

Because all fixed, mobile, and portable transmitters are required to comply with our RF safety rules, as more specifically discussed below, the Commission believes that this decision will satisfactorily protect public health and should allay Omnipoint's concerns.

80. Specific to this proceeding, the Commission is requiring applicants desiring to use the following types of transmitters to perform routine environmental evaluations: (1) Transmitting terrestrial stations in the satellite DARS service and fixed operations, including base stations and radiolocation transmitters, when the ERP is greater than 1000 watts; (2) all portable devices; and (3) mobile devices, if the EIRP of the station, in its normal configuration, will be 1.5 watts or greater. The Commission has chosen the 1000 W ERP threshold, instead of the proposed 2000 watts, because of the flexibility in this service with respect to use, power, location, and other factors, and we believe that this power limit is appropriate for most exposure situations. This approach is consistent with the Commission's existing rules for transmitters and devices of comparable use and similar operating frequencies. The Commission will be providing guidance on acceptable methods of evaluating compliance with the Commission's exposure limits in OET Bulletin 65.

x. WCS Interference to MDS/ITFS

81. The Multipoint Distribution Service (''MDS'') and the Instructional Television Fixed Service (''ITFS'') operate in the 2150–2162 and 2500–2690 MHz bands. *See* 47 CFR part 21, subpart K and part 74, subpart I. After the comment period for this proceeding had closed, several parties filed *ex parte* statements expressing their concern that WCS transmissions would interfere with MDS/ITFS receiving installations. Specifically, BellSouth states that the receiver/downconverter (''downconverter'') located at each MDS/ITFS customer's home is an inexpensive broadband device that receives all frequencies between 2.1 GHz and 2.7 GHz. Thus, BellSouth states that a MDS/ITFS downconverter located sufficiently close to a WCS transmitter would directly receive WCS signals that would prevent clear reception of MDS/ITFS signals. Specifically, BellSouth calculates that a WCS transmitter that radiates more than 80 watts EIRP and that is located within 300 feet (91.44 meters) of a MDS/ITFS downconverter would overload the downconverter and thus prevent the reception of MDS/ITFS programming and information services. In order to counteract this problem, BellSouth requests that the Commission limit WCS radiated power to 20 watts EIRP, unless the WCS licensee obtains an interference consent agreement from the existing MDS and ITFS licensees. BellSouth states that its proposed limit on WCS power would limit the maximum input to MDS/ITFS receivers to 12 decibels below one milliwatt (or −12 dBm), thus providing protection against receiver overload.

82. The Wireless Cable Association asserts that there currently are one million analog MDS/ITFS installations and that interference from WCS operations could cost $125,000,000 or more to cure. The National ITFS Association notes that the Commission has a long standing policy of protecting existing operations from interference caused by newly authorized services and requests that the Commission address this issue in a manner that would allow existing ITFS licensees to use the frequencies licensed to them as intended by the Commission.

83. At this time the Commission will not impose any technical restrictions on WCS licensees aimed at protecting the MDS/ITFS services. The Commission understands the concerns expressed by the MDS/ITFS licensees, and appreciates the value of the educational, entertainment and other programming provided by these services, including competition in the MVPD market. As it has repeatedly stated, it is the Commission's desire that these services continue to flourish. However, based on the record before us, the Commission is not persuaded that the operation of WCS facilities would irreparably harm the MDS and ITFS services. Without a clear sense of what particular services WCS licensees will provide, and how soon these will be operational, the interference impact of WCS operations on MDS/ITFS is unclear. Therefore the Commission believes it would be premature at this time to consider specific interference protection for MDS/ITFS. The Commission also observes that the record on this issue is incomplete in that concerns of the MDS/ITFS community were first raised in late filed *ex parte* comments and thus no potential WCS applicants have had an opportunity to respond to those comments. The Commission also notes that traditional, analog MDS/ITFS downconverters have employed an inexpensive design that has minimal frequency selectivity. Thus, even though MDS/ITFS is licensed in the 2150–2162 MHz and 2500–2690 MHz bands only, their downconverters receive all signals throughout the entire 2.1–2.7 GHz band. The Commission is aware that the MDS/ITFS industry is converting to newer, more robustly designed downconverters that have vastly improved frequency selectivity and would not receive WCS signals. Also, the digital downconverters to which the MDS/ITFS industry is expected to convert over the next several years are expected to be better designed and not subject to overloading from WCS signals. The Commission applauds these developments and does not wish to impede them. The public is served through the efficient use of available spectrum which, in turn, is facilitated by the use of receiving technology designed to provide protection from other spectrum users in the market. Thus, to the extent that the Commission may in the future, based on actual WCS operations, find it necessary to adopt an interference rule for WCS, it would protect only those MDS/ITFS downconverters installed within a year from the adoption date of this Report and Order. After that time, the Commission would expect that only more spectrally efficient downconverters would be installed by MDS/ITFS licensees. In sum, the Commission concludes that it would be improvident to adopt a requirement for WCS licensees to protect MDS/ITFS operations unless and until it has a more precise understanding about the nature and extent of problems that may actually arise.

xi. Field Strength Between Service Areas

84. In order for licensees to share spectrum along a common border, each licensee must decrease its signal level at the border so that, while it can provide acceptable communications within its licensed service area, its signal level across the border is sufficiently reduced to avoid causing interference to the neighboring system. In broadband PCS, the Commission adopted a predicted or measured median field strength of 47 dBμV/m at any location on the border of the PCS service area unless the parties agree to a higher field strength. In drafting the proposed rules in the *NPRM*, we had to assume one of the service area options that were proposed in text. We assumed a nationwide license and thus did not specifically address the issue of median field strength between initial service areas. Nevertheless, we did specifically propose requiring a maximum median field strength of 47 dBμV/m between those service areas which would be formed through geographic partitioning. The Commission shall adopt this same 47 dBμV/m maximum median field strength requirement between all service

areas, unless the parties agree to a different field strength.

xii. Additional Technical Issues

85. In addition, Sun Microsystems requests that a minimum data rate of 5 bits per hertz be required for the WCS bands. Sun Microsystems argues that setting the minimum data rate at this high level would stimulate new technologies. Sun Microsystems proposes that analog transmission on the WCS spectrum be prohibited. Sun Microsystems states that each service offering should be tiered in order to allow the largest possible number of people to afford its benefits. Sun Microsystems requests that high gain directional antenna systems (with beamwidths no greater than 2° to 3°) be required for high power use and that any omnidirectional antenna be required to use low power and 18 to 25 dB gain antennas. Finally, Sun Microsystems suggests that orthogonal coding and modulation schemes be permitted in order to allow more than one licensee to use the same spectrum simultaneously. No party commented on Sun Microsystems' proposals.

86. The Commission believes that the licensees will have a strong incentive to put the spectrum to its best use. There is nothing in the record of this proceeding that suggests that prohibiting certain technologies or requiring specific technologies is appropriate for the WCS. Accordingly, the Commission declines to adopt the technical regulations proposed by Sun Microsystems.

E. Auction Procedures

87. In the *NPRM*, the Commission proposed an auction design and pre-auction procedures for the WCS service in accordance with the Appropriations Act and the expedited schedule which it imposes. Specifically, the Commission proposed to award the WCS licenses through competitive bidding and by means of a simultaneous multiple round electronic auction. The Commission based this proposal on the need to auction the WCS licenses quickly and to promote the efficient use of the spectrum. As the Commission noted, the Appropriations Act requires it to commence the WCS auction no later than April 15, 1997 and to conduct the auction in a manner that ensures that all proceeds are deposited into the United States Treasury no later than September 30, 1997.

i. Competitive Bidding Design

88. In the *NPRM*, the Commission proposed to auction licenses to offer WCS service in conformity with the general competitive bidding rules in part 1, subpart Q of the Commission's Rules and substantially consistent with the auctions that have been employed in other wireless services. 47 CFR part 1, subpart Q. In addition, the Commission proposed certain modifications, addressed *infra*, to help speed the auction process given the deadlines imposed by the Appropriations Act.

89. The Commission adopts its proposal to employ a single simultaneous multiple round auction design for the WCS auction similar to that used in the PCS auctions. As the Commission explained in the *NPRM*, multiple round bidding will provide more information to bidders about the values of the licenses during the auction than single round bidding. With better information, bidders will have less incentive to shade their bids downward in order to avoid the ''winner's curse'', that is the tendency for the winner to be the bidder who most overestimates the value of the item being auctioned. The Commission also believes that multiple round bidding is likely to be fairer than single round bidding as every bidder will have the opportunity to win a license if it is willing to pay the most for it. Finally, as the Commission stated in the *NPRM*, a single simultaneous auction will facilitate any aggregation strategies that bidders may have and will provide the most information to bidders about license values at a time that they can best put that information to use.

90. In addition, the Commission adopts its proposal to require bidding for WCS licenses by electronic means only. As the Commission indicated in the *NPRM*, this decision is based on the belief that while oral outcry auctions can be simple and rapid, it is not possible to auction multiple licenses simultaneously in an oral auction. The Commission also notes that because of the potentially large value of the WCS licenses, an electronic multiple round auction will be preferable because it will permit bidders time between rounds to confer with principals and reassess their valuation models and bidding strategies. The Commission also adopts its proposal to require that bidders submit their bids electronically, rather than by telephone. Given the time constraints imposed by the Appropriations Act, as well as the recent improvements in our electronic bidding software, the Commission believes that telephonic bidding should be permitted only under exceptional circumstances, to be determined by the Wireless Telecommunications Bureau. Finally, the Commission delegates to the Wireless Telecommunications Bureau the discretion to determine whether bidding for the WCS auction will be remote or on-site.

ii. *Bidding Procedures*

91. In the *NPRM*, the Commission tentatively concluded that the WCS auction should follow the general competitive bidding procedures of part 1, subpart Q of the Commission's rules. *See* 47 CFR part 1, subpart Q. In addition, the Commission proposed to adopt specific provisions regarding certain bidding-related issues. Finally, the Commission asked interested parties to suggest the appropriate level of a minimum opening bid for the WCS license or licenses.

92. The Commission adopts the bidding procedures proposed in the *NPRM*. The WCS auction will be conducted using the general bidding procedures set forth in part 1, subpart Q of the Commission's rules, with some minor modifications designed to speed the auction in order to comply with the time constraints imposed by the Appropriations Act. Specifically, the Commission delegates to the Wireless Telecommunications Bureau the discretion to establish a minimum opening bid for the WCS licenses and to announce the minimum opening bid by public notice. As the Commission stated in the *NPRM*, a minimum opening bid will cause bidders to start bidding at a substantial fraction of the final price of the license or licenses, thus ensuring that the auction proceeds quickly and increasing the likelihood that the public receives fair market value for the license or licenses. In keeping with its obligation under the Appropriations Act to ensure that the auction proceed rapidly, the Commission also delegates to the Wireless Telecommunications Bureau the discretion to establish, raise and lower minimum bid increments in the course of the auction. *See* 47 CFR 1.2104(d). Finally, the Commission concludes that where a tie bid occurs, the high bidder will be determined by the order in which the bids were received by the Commission.

iii. *Procedural and Payment Issues*

93. In the *NPRM*, the Commission tentatively concluded that, with certain proposed modifications, subpart Q of part 1 of the Commission's rules establishing procedural and payment rules for FCC auctions generally should apply to the WCS auction. Only one commenter addressed these issues. DigiVox contends that to effectively compete in the auctions, many parties (especially small businesses) will need 90 days from the release of the final rules before FCC Forms 175 are due in

order to finalize their business plans. DigiVox proposes a schedule that includes commencing the auction on May 2, 1997. As the Commission recognized in the *NPRM*, the Appropriations Act requires that the Commission ''shall commence the competitive bidding'' for WCS licenses no later than April 15, 1997. Although DigiVox urges an interpretation of this requirement that would allow applicants to submit their short-form applications on that date, the Commission concludes that the statute clearly requires that ''bidding'' commence on April 15, 1997. The Commission therefore will commence the WCS auction on April 15, 1997, and the auction will be conducted in substantial conformity with subpart Q of part 1 of the Commission's Rules. The Commission also adopts general rules regarding application and licensing procedures. *See* subpart E of new part 27.

94. *Pre-Auction Application Procedures.* In the *NPRM*, the Commission proposed that WCS applicants be required to file a short-form application (FCC Form 175) prior to the auction. *See* 47 CFR 1.2105(a). In addition, the Commission tentatively concluded that the Commission should require electronic filing of all applications for this auction. The Commission received no comments addressing this issue, and will implement this proposal. Each bidder in the WCS auction must submit a short-form application (FCC Form 175) by means of electronic filing. As the Commission stated in the *NPRM*, the Commission believes that electronic filing of applications will serve the best interests of auction participants as well as ensure that the WCS auction will be completed within the time frame mandated under the Appropriations Act. The Commission has developed user-friendly electronic filing software and Internet World Wide Web forms to give applicants the ability to easily and inexpensively file and review applications. In addition, the Commission believes that in light of the legislative deadline of April 15, 1997 for commencement of this auction, requiring electronic filing will be helpful to applicants as well as the Commission. By shortening the time required for the Commission to process applications before the auction, electronic filing will increase the lead time available to applicants to finalize their business plans and arrange necessary financing before the short-form filing deadline.

95. The Commission also proposed in the *NPRM* that an applicant's electronic submission of FCC Form 175 include a certification that the applicant is not in default on any Commission licenses and that it is not delinquent on any extension of credit from any federal agency. No commenters addressed this issue. The Commission therefore adopts this certification requirement for the WCS auction. As the Commission stated in the *NPRM*, a certification regarding defaulted licenses and delinquent payments to federal agencies will enable us to better evaluate the financial qualifications of potential bidders, because it will allow us to determine whether any bidder may later be subject to a monetary judgment or collection procedures that may impair its financial ability to provide service. In the *Second Report and Order*, we decided that we should require sufficient information on the short-form application to make a determination that ''the application is not in violation of Commission Rules and that applications not meeting those requirements may be dismissed prior to the competitive bidding.'' *Implementation of Section 309(i) of the Communications Act—Competitive Bidding*, PP Docket No. 93–253, *Second Report and Order*, 59 FR 22980 (May 4, 1994) (''*Second Report and Order*''). Part of this documentation necessarily includes certification that the bidder has the legal, technical, financial, and other qualifications to bid in the auction.

96. *Upfront Payment Amount.* The Commission's Part 1 Rules require the submission of an upfront payment as a prerequisite to participation in spectrum auctions. *See* 47 CFR 1.2106. In the *NPRM*, the Commission proposed to set the amount of the WCS upfront payment based on the general formula the Commission adopted in the *Second Report and Order* of $.02 per megahertz per population. In addition to seeking comment on this proposal, the Commission asked commenters to suggest alternative methods of establishing an upfront payment, and in particular, how the Commission may estimate the value of the spectrum to be auctioned. The Commission received no comments or alternative suggestions on this issue, and will therefore adopt the proposed upfront payment for the WCS auction. Given that a range of services may be provided on WCS spectrum, it is difficult to estimate the value of this spectrum. The Commission believes, however, that a $.02 per megahertz per population upfront payment will serve the twin purposes of upfront payments—to deter insincere bidding and to provide the Commission with a source of funds to satisfy any bid withdrawal or default payments—without being so high as to discourage participation in the WCS auction.

97. *Procedure For Upfront Payment.* The Commission also proposed to require bidders to deposit their upfront payments in the Commission's lock-box bank by wire transfer only by a date to be announced by public notice. No commenters addressed this issue. The Commission therefore adopts the requirement that bidders in the WCS auction deposit their upfront payment by wire transfer only. Although in the past the Commission has permitted payment by cashier's check, the Commission believes that requiring payment by wire transfer will benefit bidders by streamlining and expediting the administration of the auction. As the Commission noted in the *NPRM*, the Commission's experience has shown that verification of payments remitted by cashier's check is time-consuming and cumbersome, and requires the allotment of extra processing time prior to the start of the auction. Permitting payment by cashier's check would require that upfront payments be made at an earlier point, which would decrease applicants' lead time to pursue business plans and arrange necessary financing before the start of the auction. In addition, given the large number of financial institutions offering wire transfer services, a requirement that bidders remit their upfront payments by wire transfer will result in minimal, if any, extra cost to auction applicants. Such a cost is far outweighed by the benefit of speeding the auction process through quicker verification of payments.

98. *Down Payment and Full Payment.* In the *NPRM*, the Commission tentatively concluded that to help ensure that auction winners are able to pay the full amount of their bids, every winning bidder in the WCS auction would be required to tender a down payment sufficient to bring its total amount on deposit with the Commission up to 20 percent of its winning bid. *See* 47 CFR 1.2107(b). No commenters addressed this issue. The Commission therefore concludes that a down payment equal to 20 percent of each high bidder's total winning bids will be due within 10 business days after the issuance of a public notice announcing the winning bidder for each WCS license.

99. The Commission also proposed that a winning bidder that makes its down payment in a timely manner be required to file an FCC Form 600 long-form application and follow the long-form application procedures in § 1.2107. *See* 47 CFR 1.2107. The Commission proposed that after reviewing the

winning bidder's long-form application, and after verifying receipt of the winning bidder's 20 percent down payment, the Commission would announce the application's acceptance for filing, thus triggering the filing window for petitions to deny. The Commission also noted that given the abbreviated auction schedule contemplated by the Appropriations Act, a condensed schedule for the filing of petitions to deny would apply for the WCS auction. No commenters addressed this issue. The Commission therefore adopts these proposals governing long-form application procedures. Winning bidders that have made the necessary down payment will be required to file a modified FCC Form 600 that has been updated to provide for the Commission's decision to permit flexibility in terms of permissible uses. Finally, the Appropriations Act provides that no application for a WCS authorization may be granted earlier than seven (7) days following public notice of the acceptance for filing of such an application, and that parties will have no less than five (5) days following such public notice to file a petition to deny. *See* Appropriations Act, section 3001(c). The Commission will therefore afford parties five (5) days to file a response to any petition to deny. If, pursuant to Section 309(d) of the Communications Act, the Commission dismisses or denies any and all petitions to deny, the Commission will announce by public notice that it is prepared to award a license and the winning bidder will then have ten (10) business days to submit the balance of its winning bid. If the bidder does so, the license will be granted. If the bidder fails to submit the required down payment or the balance of the winning bid or the license is otherwise denied, the Commission will assess a default payment as discussed *infra.*

100. *Amendments and Modifications of Applications.* In the *NPRM,* the Commission stated that to encourage maximum bidder participation, applicants should be permitted to amend or modify their short-form applications as provided in § 1.2105. 47 CFR 1.2105. The Commission also noted that in the broadband PCS context, the Commission modified its rules to permit ownership changes that result when consortium investors drop out of bidding consortia, even if control of the consortium changes due to this restructuring. No commenters addressed this issue. The Commission therefore adopts the same exception to its rules prohibiting major amendments in the WCS auction.

101. *Bid Withdrawal, Default and Disqualification.* In the *NPRM,* the Commission tentatively concluded that the withdrawal, default, and disqualification rules for the WCS auction would be based upon the procedures established in the Commission's general competitive bidding rules. With regard to bids which are submitted in error, the Commission proposed to apply the guidelines which it recently fashioned to provide for relief from the bid withdrawal payment requirements under certain circumstances. *See Atlanta Trunking Associates, Inc. and MAP Wireless L.L.C. Requests to Waive Bid Withdrawal Payment Provisions, Order* 11 FCC Rcd 17189, 61 FR 25807 (May 23, 1996), *recon. pending. See also Georgia Independent PCS Corporation Request to Waive Bid Withdrawal Payment Provision, Order,* 11 FCC Rcd 13728, 61 FR 25810 (May 23, 1996), *app. rev. pending.* No commenters addressed this issue. We therefore adopt these provisions governing bid withdrawal, default and disqualification for the WCS auction.

iv. Anti-Collusion Rules

102. In the *NPRM,* the Commission tentatively concluded that the anti-collusion rules which the Commission adopted in the *Second Report and Order,* and which are codified at 47 CFR 1.2105, should apply to the WCS auction. The Commission received no comments addressing the issue of collusion. The Commission has therefore determined that these rules prohibiting collusive conduct will apply to the WCS auction.

v. Treatment of Designated Entities

103. Race- and gender-based classifications must meet exacting standards of judicial review. In *Adarand Constructors* v. *Peña,* 115 S.Ct. 2097 (1995) (''*Adarand*'') the Supreme Court held that all racial classifications, whether imposed at the federal, state or local government level, must be analyzed by a reviewing court under a strict scrutiny standard of review. This standard requires such classifications to be narrowly tailored to further a compelling governmental interest. *Adarand,* 115 S. Ct. at 2113. In *United States* v. *Virginia,* 116 S.Ct. 2264 (June 26, 1996) (''*VMI*'') the Supreme Court reviewed a state program containing gender classification and held it was unconstitutional under an intermediate scrutiny standard of review. This standard requires that ''[p]arties who seek to defend gender-based government action must demonstrate an 'exceedingly persuasive justification' for that action.'' *VMI,* 116 S. Ct. at 2274 (citing *J.E.B.* v. *Alabama ex rel. T. B.,* 511 U.S. 127, 136–37 and n. 6 (1994) and *Mississippi Univ. for Women* v. *Hogan,* 458 U.S. 718, 724 (1982)). Under this test, the government must show ''at least that the (challenged) classification serves 'important governmental objectives and that the discriminatory means employed' are 'substantially related to the achievement of those objectives.' '' *Id.* at 2275 (quoting *Mississippi Univ. for Women* v. *Hogan,* 458 U.S. at 724 (quoting *Wengler* v. *Druggists Mutual Ins. Co.,* 446 U.S. 142, 150 (1980))). While the Supreme Court has not directly addressed constitutional challenges to federal gender-based programs since *Adarand* and *VMI,* the Commission's review of the relevant broad language in *VMI* indicates that the Court does not differentiate between federal and state official actions in its equal protection analysis. Similarly, the *Adarand* decision definitively eliminated any distinction between federal and state race-based programs in setting its strict scrutiny standard of judicial review. *Adarand,* 115 S. Ct. at 2113. Therefore, the Commission concludes that any gender-based preference maintained in the WCS auction rules would need to meet the *VMI* intermediate scrutiny standard of review.

104. The Commission believes that the record in this proceeding is insufficient to support race- and gender-based provisions that would survive judicial scrutiny. Moreover, adopting race- and gender-based provisions unsupported by a substantial record would disserve the public interest because it might result in litigation that could further delay the conduct of the auction and the award of WCS licenses, and postpone the introduction of new competition to the marketplace. The Commission therefore concludes that it should not adopt special auction provisions that are race- and gender-based.

105. While the Commission declines to establish race- and gender-based provisions for the WCS auction rules, the Commission will adopt provisions for small businesses, as suggested by several commenters. The Commission notes that nothing in the *Adarand* or *VMI* decisions calls the Commission's small business provisions into question. Moreover, by retaining small business preferences, the Commission believes that it fulfill its mandate under section 309(j) to provide increased opportunities for minority- and women-owned businesses, 47 U.S.C. 309(j)(3),

because many minority- and women-owned entities are small businesses who therefore will qualify for the same special provisions that would have applied to them under the previous rules.

106. The Commission also has initiated a comprehensive rule making proceeding to gather evidence regarding market barriers to entry faced by small businesses as well as minority- and women-owned firms. *See Section 257 Proceeding to Identify and Eliminate Market Entry Barriers for Small Businesses*, GN Docket No. 96–113, *Notice of Inquiry*, 11 FCC Rcd 6280, 61 FR 33066 (June 26, 1996). If a sufficient record is adduced that will support race- and gender-based provisions that will satisfy judicial scrutiny, the Commission will consider race- and gender-based provisions for future auctions. Toward this end, the Commission will continue to request bidder information on the WCS short-form filings as to minority- or women-owned status. In its analysis of the applicant pool and the auction results, the Commission will monitor whether it has accomplished substantial participation by minorities and women through the broad provisions available to small businesses. This will also assist the Commission in preparing its report to Congress on the success of designated entities in auctions. *See* 47 U.S.C. 309(j)(12)(D).

i. Special Provisions for Designated Entities

A. Bidding Credits

107. The Commission will adopt bidding credits for small businesses and will adopt a tiered bidding credit approach, as supported by several commenters. The Commission agrees with commenters that the availability of bidding credits is consistent with the Commission's obligations under section 309(j) to promote economic opportunity for a wide variety of applicants, including small businesses and businesses owned by minorities and women. The Commission believes that a tiered approach, which enhances the discounting effect of bidding credits because not all entities receive the same benefit, will encourage smaller businesses to participate in the provision of WCS services. As for the level of the credits, the Commission believes that bidding credits of 25 percent for small businesses and 35 percent for very small businesses are appropriate. These levels reflect the thresholds used in the broadband PCS auctions with a reasonable adjustment for the unavailability of installment payment plans for WCS licensees. It is difficult to accurately calculate the net present value of an installment program (which would depend on several variables including future commercial interest rates), and the Commission therefore is adjusting the broadband PCS bidding credit levels upward by ten percentage points. The Commission believes that this tiered bidding credit approach and 10 percent adjustment are reasonable and consistent with the comments. These credits are narrowly tailored to the varying abilities of businesses to access capital and also take into account that different small businesses will pursue different strategies.

B. Definition of Small Business

108. Consistent with the suggestions of many of the commenters, the Commission will generally employ the small business definitions and standards used in broadband PCS, which the Commission believes have the advantages of ready availability and familiarity to many small businesses that might be interested in this spectrum. The Commission will therefore define a ''small business'' as an entity with average gross revenues not exceeding $40 million for each of the preceding three years, and a ''very small business'' as an entity with average gross revenues not exceeding $15 million in each of the preceding three years. The Commission declines to adopt the higher revenue standard suggested by Vanguard because it does not believe that Congress, in enacting section 309(j), intended for firms with $500 million in revenue to be regarded as ''small''. Furthermore, adopting Vanguard's suggested standard would create severe disparities between ''small businesses'' in terms of capitalization and access to financing.

109. In determining whether an entity qualifies as a small business at either threshold, the Commission will consider the gross revenues of the applicant, its affiliates, and certain investors in the applicant. Specifically, the Commission will attribute the gross revenues of all controlling principals in the applicant as well as the gross revenues of affiliates of the applicant. Consistent with broadband PCS rules, the Commission will apply two notable exceptions to these attribution rules. First, the Commission determines that personal net worth is not included in the determination of eligibility for bidding as a small business. Second, the Commission agrees with CIRI that entities owned by Alaska Native Corporations and Indian Tribes are exempt from affiliation for purposes of determining eligibility of applicants for bidding credits, because of the general lack of availability of revenues from such entities for purposes of participation in WCS. This exception is consistent with treatment afforded such entities by the Small Business Administration's 8(a) program, *See* 13 CFR 124.112(c)(2)(iii), and as the Commission previously has determined, it does not believe such a provision to be affected by *Adarand*.

110. The Commission declines, however, to employ the specific control group equity requirements that the Commission adopted for broadband PCS, because the time frame for the conduct of the WCS auction is likely to be too short to allow for the creation of the type of complex financial relationships as arose in the broadband PCS context. Instead, the Commission will simply define the term ''control'' to include both *de jure* and *de facto* control of the applicant. However, the Commission will still require that, in order for an applicant to qualify as a small business, qualifying small business principals must maintain ''control'' of the applicant. The Commission also notes that while it is not imposing specific equity requirements on the small business principals, the absence of significant equity could raise questions about whether the applicant qualifies as a *bona fide* small business.

C. Unjust Enrichment

111. The Commission agrees with CIRI on the employment of an unjust enrichment restriction on the transfer of licenses acquired by small businesses, similar to that set forth in 47 CFR 24.839(d), which the Commission believes is necessary to ensure that meaningful small business participation is not thwarted by transfers of licenses to non-designated entities. To permit otherwise would severely impede the meaningful participation of designated entities because bidders could participate as small businesses with the intention not of providing service but only of profiting from the difference in the discounted auction price and the worth of the license on the resale market. To prevent unjust enrichment by small businesses transferring licenses acquired through the use of bidding credits, the Commission imposes a payment requirement on transfers of such licenses to entities that are not owned by small businesses. The Commission believes it is appropriate to conform our unjust enrichment rules for WCS to the broadband PCS unjust enrichment rules as they relate to bidding credits. These rules provide

that, during the initial license term, licensees utilizing bidding credits and seeking to assign or transfer control of a license to an entity that does not meet the eligibility criteria for bidding credits will be required to reimburse the government for the amount of the bidding credit before the transfer will be permitted. 47 CFR 24.716(d)(1). Additionally, the rules which the Commission now adopts provide that if, within the original term, a licensee applies to assign or transfer control of a license to an entity that is eligible for a lower bidding credit, the difference between the bidding credit obtained by the assigning party and the bidding credit for which the acquiring party would qualify must be paid to the United States Treasury as a condition of approval of the assignment or transfer. 47 CFR 24.716(d)(2). *See also* 47 CFR 1.2111. These provisions also will apply to WCS licensees who partition or disaggregate their licenses.

112. If a licensee that utilizes bidding credits seeks to make any change in ownership structure that would render the licensee ineligible for bidding credits, or eligible only for a lower bidding credit, the licensee must first seek Commission approval and reimburse the government for the amount of the bidding credit, or the difference between its original bidding credit and the bidding credit for which it is eligible after the ownership change, plus interest based on the rate for ten year U.S. Treasury obligations applicable on the date the license is granted. Additionally, if an investor subsequently purchases an interest in the business and, as a result, the gross revenues of the business exceed the applicable financial caps, this unjust enrichment provision will apply.

113. The amount of this payment will be reduced over time as follows: (1) A transfer in the first five years of the license term will result in a forfeiture of 100 percent of the value of the bidding credit (or, in the case of very small businesses transferring to small businesses, 100 percent of the difference between the bidding credit received by the former and the bidding credit for which the latter is eligible); (2) in year six of the license term the payment will be 80 percent; (3) in year seven the payment will be 60 percent; in year eight the payment will be 40 percent; and in year nine the payment will be 20 percent, after which there will be no required payment. These assessments will have to be paid to the U.S. Treasury as a condition of approval of the assignment, transfer, or ownership change.

D. Other Matters

114. Based upon the record in this proceeding, the Commission has determined that special provisions for rural telcos are not warranted. However, rural telcos can take advantage of the geographic partitioning and spectrum disaggregation provisions which the Commission adopts, and those rural telcos that qualify as small or very small businesses may take advantage of the Commission's tiered bidding credits. In addition, the Commission declines to afford an additional bidding credit, as suggested by DigiVox, to small businesses bidding in areas in which they hold no CMRS licenses. The Commission believes that such preferences might discourage small businesses from acquiring WCS spectrum as supplemental for CMRS services already offered in that geographic license area, which would run counter to our goal of flexible use. The Commission also declines to adopt any limit on the total number of WCS licenses for which an entity may take advantage of small business bidding credits. The Commission does not regard such limitation as necessary and generally believes that, absent a strong justification to do otherwise, the auction process should be permitted to work without constraint to allow all bidders to express their valuations of the licenses up for bid. Finally, the Commission also declines to set aside a block of licenses for auction only to designated entities because the Commission does not believe such set-asides to be necessary to ensure opportunities for participation by designated entities in light of the substantial bidding credits, as well as the partitioning and disaggregation rules the Commission is adopting.

115. The Commission also notes that its decision both to license WCS in two 10 MHz blocks and two 5 MHz blocks, and to designate MEA and REAG service areas should increase the opportunities for participation in WCS by small businesses and other designated entities. These decisions will help to ensure that the cost of obtaining WCS spectrum remains within reach of a larger number of prospective applicants than would be the case were we to offer only one or two licenses in each area. In addition, by offering licenses for smaller blocks of spectrum, the Commission will enable WCS applicants to acquire only the amount of spectrum necessary to implement their particular service plans. Such efficiencies directly benefit small businesses who may not be able to afford to acquire larger blocks of spectrum. For example, permitting bidders to acquire smaller blocks of spectrum will enable small businesses that have identified niche markets to focus their bidding and avoid paying for more spectrum than they actually need.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 1, 2, 27, and 97 of title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.1307 is amended by revising paragraphs (b)(1) and the first sentence of paragraph (b)(2) and Table 1 in paragraph (b)(1) is amended by adding the entry for the Wireless Communications Service to read as follows:

§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

* * * * *

(b) * * *

(1) The exposure limits in § 1.1310 are generally applicable to all facilities, operations and transmitters regulated by the Commission. However, a determination of compliance with the exposure limits in § 1.1310 (routine environmental evaluation), and preparation of an EA if the limits are exceeded, is necessary only for facilities, operations and transmitters that fall into the categories listed in Table 1, or those specified in paragraph (b)(2) of this section. All other facilities, operations and transmitters are categorically excluded from making such studies or preparing an EA, except as indicated in paragraphs (c) and (d) of this section. For purposes of Table 1, ''rooftop'' means the roof or otherwise outside, topmost level or levels of a building structure that is occupied as a workplace or residence and where either workers or the general public may have access. The term ''power'' in column 2 of Table 1 refers to total operating power of the transmitting operation in question in terms of effective radiated power (ERP), equivalent isotropically radiated power (EIRP), or peak envelope power (PEP), as defined in § 2.1 of this chapter. For the case of the Cellular Radiotelephone Service, subpart H of part 22 of this

chapter; the Personal Communications Service, part 24 of this chapter; the Wireless Communications Service, part 27 of this chapter; and covered Specialized Mobile Radio Service operations, part 90 of this chapter; the phrase ''total power of all channels'' in column 2 of Table 1 means the sum of the ERP or EIRP of all co-located simultaneously operating transmitters of the facility. When applying the criteria of Table 1, radiation in all directions should be considered. For the case of transmitting facilities using sectorized transmitting antennas, applicants and licensees should apply the criteria to all transmitting channels in a given sector, noting that for a highly directional antenna there is relatively little contribution to ERP or EIRP summation for other directions.

TABLE 1.—TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION

Service (Title 47 CFR rule part)	Evaluation required if:
* * * * *	* * * * *
Wireless Communications Service (Part 27).	Total power of all channels > 1000 W ERP (1640 W EIRP)

TABLE 1.—TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION—Continued

Service (Title 47 CFR rule part)	Evaluation required if:
* * * * *	* * * * *

(2) Mobile and portable transmitting devices that operate in the Cellular Radiotelephone Service, the Personal Communications Services, the Satellite Communications Services, the Wireless Communications Service, the Maritime Services (ship earth stations only), and covered Specialized Mobile Radio Service providers authorized under subpart H of part 22, part 24, part 25, part 27, part 80, and part 90 of this chapter are subject to routine environmental evaluation for RF exposure prior to equipment authorization or use, as specified in §§ 2.1091 and 2.1093 of this chapter.

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PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: Secs. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303 and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. Remove the existing entries for 2300–2450 MHz.

b. Add entries in numerical order for 2300–2450 MHz.

c. In the International Footnotes under heading I., add footnotes S5.150, S5.282 , S5.393, S5.394, S5.395, and S5.396 in numerical order.

d. In the International Footnotes under heading II., remove footnotes 750B, 751, 751A, and 751B.

e. Remove United States footnote US253.

f. Add United States footnotes US338 and US339 in numerical order.

g. Revise United States footnotes US276 and US328.

h. Revise Government footnote G2.

i. Add Government footnotes G120, G123 and G124 in numerical order.

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
2300–2305 FIXED MOBILE Amateur Radiolocation	2300–2305 FIXED MOBILE RADIOLOCATION Amateur S5.394	2300–2305 FIXED MOBILE RADIOLOCATION Amateur	2300–2305 G123	2300–2305 Amateur	Amateur (97)	
2305–2310 FIXED MOBILE Amateur Radiolocation	2305–2310 FIXED MOBILE RADIOLOCATION Amateur S5.394	2305–2310 FIXED MOBILE RADIOLOCATION Amateur	2305–2310 US338 G123	2305–2310 FIXED MOBILE except aeronautical mobile RADIOLOCATION Amateur US338	WIRELESS COMMUNICATIONS (27) Amateur (97)	
2310–2320 FIXED MOBILE Amateur Radiolocation	2310–2320 FIXED MOBILE RADIOLOCATION Amateur	2310–2320 FIXED MOBILE RADIOLOCATION Amateur	2310–2320 FIXED Mobile US339 Radiolocation G2	2310–2320 BROADCASTING—SATELLITE US327 MOBILE US339 RADIOLOCATION	WIRELESS COMMUNICATIONS (27)	Digital Audio Radio Services

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S5.395	S5.393 S5.394 S5.396	S5.393 S5.396	S5.396 US327 US338 G120	S5.396 US338		
2320–2345	2320–2345	2320–2345	2320–2345	2320–2345 BROADCASTING—SATELLITE US327		
FIXED	FIXED	FIXED	Fixed			Digital Audio Radio Services
MOBILE	MOBILE	MOBILE	Mobile US 276	Mobile US 276 US328		
Amateur	RADIOLOCATION	RADIOLOCATION	Radiolocation G2			
Radiolocation	Amateur	Amateur				
S5.395	S5.393 S5.394 S5.396	S5.393 S5.396	S5.396 US327 US328 G120	S5.396		
2345–2360	2345–2360	2345–2360	2345–2360	2345–2360 BROADCASTING—SATELLITE US327		Digital Audio Radio Services
FIXED	FIXED	FIXED	Fixed	FIXED	WIRELESS COMMUNICATIONS (27)	
MOBILE	MOBILE	MOBILE	Mobile US339	MOBILE US339		
Amateur	RADIOLOCATION	RADIOLOCATION	Radiolocation G2	RADIOLOCATION		
Radiolocation	Amateur	Amateur				
S5.395	S5.393 S5.394 S5.396	S5.393 S5.396	S5.396 US327 G120	S5.396		
2360–2390	2360–2390	2360–2390	2360–2390	2360–2390		
FIXED	FIXED	FIXED	MOBILE US276	MOBILE US276		
MOBILE	MOBILE	MOBILE	RADIOLOCATION G2			
Amateur	RADIOLOCATION	RADIOLOCATION	Fixed			
Radiolocation	Amateur	Amateur				
	S5.394		G120			
2390–2400	2390–2400	2390–2400	2390–2400	2390–2400		
FIXED	FIXED	FIXED		AMATEUR	AMATEUR (97)	
MOBILE	MOBILE	MOBILE			Radio Frequency Devices (15)	
Amateur	RADIOLOCATION	RADIOLOCATION				
Radiolocation	Amateur	Amateur				
	S5.394		G122			
2400–2402	2400–2402	2400–2402	2400–2402	2400–2402		
FIXED	FIXED	FIXED		Amateur	Amateur (97)	
MOBILE	MOBILE	MOBILE				
Amateur	RADIOLOCATION	RADIOLOCATION				
Radiolocation	Amateur	Amateur				
S5.150 S5.282	S5.150 S5.282 S5.394	S5.150 S5.282	S5.150 G123	S5.150 S5.282		
2402–2417	2402–2417	2402–2417	2402–2417	2402–2417		
FIXED	FIXED	FIXED		AMATEUR	AMATEUR (97)	
MOBILE	MOBILE	MOBILE			Radio Frequency Devices (15)	
Amateur	RADIOLOCATION	RADIOLOCATION				
Radiolocation	Amateur	Amateur				
S5.150 S5.282	S5.150 S5.282 S5.394	S5.150 S5.282	S5.150 G122	S5.150 S5.282		
2417–2450	2417–2450	2417–2450	2417–2450	2417–2450		
FIXED	FIXED	FIXED	Radiolocation G2	Amateur	Amateur (97)	
MOBILE	MOBILE	MOBILE				
Amateur	RADIOLOCATION	RADIOLOCATION				
Radiolocation	Amateur	Amateur				

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S5.150 S5.282	S5.150 S5.282 S5.394	S5.150 S5.282	S5.150 S5.282 G124	S5.150 S5.282		
*	*	*	*	*	*	*

International Footnotes

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I. New ''S'' Numbering Scheme.

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S5.150 The following bands:

13533–13567 kHz (centre frequency 13560 kHz),
26957–27283 kHz (centre frequency 27120 kHz),
40.66–40.70 MHz (centre frequency 40.68 MHz),
902–928 MHz in Region 2 (centre frequency 915 MHz),
2400–2500 MHz (centre frequency 2450 MHz),
5725–5875 MHz (centre frequency 5800 MHz), and
24–24.25 GHz (centre frequency 24.125 GHz)

are also designated for industrial, scientific and medical (ISM) applications. Radiocommunication services operating within these bands must accept harmful interference which may be caused by these applications. ISM equipment operating in these bands is subject to the provisions of No. 1815/S15.13.

S5.282 In the bands 435–438 MHz, 1260–1270 MHz, 2400–2450 MHz, 3400–3410 MHz (in Regions 2 and 3 only) and 5650–5670 MHz, the amateur-satellite service may operate subject to not causing harmful interference to other services operating in accordance with the Table (see No. S5.43). Administrations authorizing such use shall ensure that any harmful interference caused by emissions from a station in the amateur-satellite service is immediately eliminated in accordance with the provisions of No. 2741/S25.11. The use of the bands 1260–1270 MHz and 5650–5670 MHz by the amateur-satellite service is limited to the Earth-to-space direction.

* * * * *

S5.393 *Additional allocation:* in the United States and India, the band 2310–2360 MHz is also allocated to the broadcasting-satellite service (sound) and complementary terrestrial sound broadcasting service on a primary basis. Such use is limited to digital audio broadcasting and is subject to the provisions of Resolution 528 (WARC–92).

S5.394 In the United States, the use of the band 2300–2390 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile services. In Canada, the use of the band 2300–2483.5 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile services.

S5.395 In France, the use of the band 2310–2360 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile service.

S5.396 Space stations of the broadcasting-satellite service in the band 2310–2360 MHz operating in accordance with No. S5.393 that may affect the services to which this band is allocated in other countries shall be coordinated and notified in accordance with Resolution 33. Complementary terrestrial broadcasting stations shall be subject to bilateral coordination with neighboring countries prior to their bringing into use.

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United States (US) Footnotes

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US276 Except as otherwise provided for herein, use of the bands 2320–2345 and 2360–2390 MHz by the mobile service is limited to aeronautical telemetering and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles or major components thereof. The following four frequencies are shared on a co-equal basis by Government and non-Government stations for telemetering and associated telecommand operations of expendable and reusable launch vehicles whether or not such operations involve flight testing: 2332.5, 2364.5, 2370.5, and 2382.5 MHz. All other mobile telemetering uses shall be secondary to the above uses.

* * * * *

US328 In the band 2320–2345 MHz, the mobile and radiolocation services are allocated on a primary basis until a broadcasting-satellite (sound) service has been brought into use in such a manner as to affect or be affected by the mobile and radiolocation services in those service areas. The broadcasting-satellite (sound) service during implementation should also take cognizance of the expendable and reusable launch vehicle frequency 2332.5 MHz, to minimize the impact on this mobile service use to the extent possible.

* * * * *

US338 In the 2305–2310 MHz band, space-to-Earth operations are prohibited. Additionally, in the 2305–2320 MHz band, all Wireless Communications Service (WCS) operations within 50 kilometers of 35° 20″ North Latitude and 116° 53″ West Longitude shall be coordinated through the Frequency Assignment Subcommittee of the Interdepartment Radio Advisory Committee in order to minimize harmful interference to NASA's Goldstone Deep Space facility.

US339 The bands 2310–2320 and 2345–2360 MHz are also available for aeronautical telemetering and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles or major components thereof on a secondary basis to the Wireless Communications Service. The following two frequencies are shared on a co-equal basis by Government and non-Government stations for telemetering and associated telecommand operations of expendable and re-usable launch vehicles whether or not such operations involve flight testing: 2312.5 and 2352.5 MHz. Other mobile telemetering uses may be provided on a non-interference basis to the above uses. The broadcasting-satellite (sound) service during implementation should also take cognizance of the expendable and reusable launch vehicle frequencies 2312.5 and 2352.5 MHz, to minimize the impact on this mobile service use to the extent possible.

* * * * *

Government Footnotes

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G2 In the bands 216–225, 420–450 (except as provided by US217), 890–902, 928–942, 1300–1400, 2310–2390, 2417–2450, 2700–2900, 5650–5925, and 9000–9200 MHz, the Government radiolocation is limited to the military services.

* * * * *

G120 Development of airborne primary radars in the band 2310–2390 MHz with peak transmitter power in excess of 250 watts for use in the United States is not permitted.

* * * * *

G123 The bands 2300–2310 and 2400–2402 MHz were identified for reallocation, effective August 10, 1995, for exclusive non-Government use under Title VI of the Omnibus Budget Reconciliation Act of 1993. Effective August 10, 1995, any Government operations in these bands are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations.

G124 The band 2417–2450 MHz was identified for reallocation, effective August 10, 1995, for mixed Government and non-Government use under Title VI of the Omnibus Budget Reconciliation Act of 1993.

3. Section 2.1091 is amended by revising the first sentence in paragraph (c) to read as follows:

§ 2.1091 Radiofrequency radiation exposure evaluation: mobile and unlicensed devices.

* * * * *

(c) Mobile devices that operate in the Cellular Radiotelephone Service, the Personal Communications Services, the Satellite Communications Services, the Wireless Communications Service, the Maritime Services and the Specialized Mobile Radio Service authorized under subpart H of part 22 of this chapter, part 24 of this chapter, part 25 of this chapter, part 27 of this chapter, part 80 of this chapter (ship earth station devices only) and part 90 of this chapter (''covered'' SMR devices only, as defined in the note to Table 1 of § 1.1307(b)(1) of this chapter), are subject to routine environmental evaluation for RF exposure prior to equipment authorization or use if their effective radiated power (ERP) is 1.5 watts or more. * * *

* * * * *

4. Section 2.1093 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 2.1093 Radiofrequency radiation exposure evaluation: portable devices.

* * * * *

(c) Portable devices that operate in the Cellular Radiotelephone Service, the Personal Communications Services, the Satellite Communications Services, the Wireless Communications Service, the Maritime Services and the Specialized Mobile Radio Service authorized under subpart H of part 22 of this chapter, part 24 of this chapter, part 25 of this chapter, part 27 of this chapter, part 80 of this chapter (ship earth station devices only), part 90 of this chapter (''covered'' SMR devices only, as defined in the note to Table 1 of section 1.1307(b)(1) of this chapter), and portable unlicensed personal communication service and millimeter wave devices authorized under § 15.253, § 15.255 or subpart D of part 15 of this chapter are subject to routine environmental evaluation for RF exposure prior to equipment authorization or use. * * *

* * * * *

5. A new part 27 is added to read as follows:

PART 27—WIRELESS COMMUNICATIONS SERVICE

Subpart A—General Information

Sec.

Subpart B—Applications and Licenses

Subpart C—Technical Standards

Subpart D—Competitive Bidding Procedures for WCS

Subpart E—Application, Licensing, and Processing Rules for WCS

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

Subpart A—General Information

§ 27.1 Basis and purpose.

This section contains the statutory basis for this part of the rules and provides the purpose for which this part is issued.

(a) *Basis.* The rules for the Wireless Communications Service (WCS) in this part are promulgated under the provisions of the Communications Act of 1934, as amended, that vest authority in the Federal Communications Commission to regulate radio transmission and to issue licenses for radio stations.

(b) *Purpose.* This part states the conditions under which the 2305–2320 MHz and 2345–2360 MHz bands are made available and licensed for the provision of WCS.

(c) *Scope.* The rules in this part apply only to stations authorized under this part.

§ 27.2 Permissible communications.

Subject to the rules contained herein, fixed, mobile and radiolocation services may be provided using the 2305–2320 and 2345–2360 MHz bands. In addition, satellite digital audio radio service (DARS) may be provided using the 2310–2320 and 2345–2360 MHz bands. Satellite DARS service shall be provided in manner consistent with part 25 of this chapter.

§ 27.3 Other applicable rule parts.

Other FCC rule parts applicable to the Wireless Communications Service include the following:

(a) *Part 0.* This part describes the Commission's organization and delegations of authority. Part 0 of this chapter also lists available Commission publications, standards and procedures for access to Commission records, and location of Commission Field Offices.

(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; competitive bidding procedures; and the environmental requirements that, if applicable, must be complied with prior to the initiation of construction.

(c) *Part 2.* This part contains the Table of Frequency Allocations and special requirements in international regulations, recommendations, agreements, and treaties. This part also contains standards and procedures concerning the marketing and importation of radio frequency devices, and for obtaining equipment authorization.

(d) *Part 5.* This part contains rules prescribing the manner in which parts of the radio frequency spectrum may be made available for experimentation.

(e) *Part 17.* This part contains requirements for construction, marking and lighting of antenna towers.

(f) *Part 25.* This part contains the requirements for satellite communications, including satellite DARS.

(g) *Part 51.* This part contains general duties of telecommunications carriers to provide for interconnection with other telecommunications carriers.

(h) *Part 68.* This part contains technical standards for connection of terminal equipment to the telephone network.

§ 27.4 Terms and definitions.

Assigned frequency. The center of the frequency band assigned to a station.

Authorized bandwidth. The maximum width of the band of frequencies permitted to be used by a station. This is normally considered to be the necessary or occupied bandwidth, whichever is greater.

Average terrain. The average elevation of terrain between 3 and 16 kilometers from the antenna site.

Effective Radiated Power (ERP) (in a given direction). The product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction.

Equivalent Isotropically Radiated Power (EIRP). The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Fixed service. A radio communication service between specified fixed points.

Fixed station. A station in the fixed service.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station. A mobile station in the land mobile service capable of surface movement within the geographic limits of a country or continent.

Land station. A station in the mobile service not intended to be used while in motion.

Mobile service. A radio communication service between mobile and land stations, or between mobile stations.

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points.

National Geodetic Reference System (NGRS). The name given to all geodetic control data contained in the National Geodetic Survey (NGS) data base. (Source: National Geodetic Survey, U.S. Department of Commerce)

Radiodetermination. The determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radionavigation. Radiodetermination used for the purpose of navigation, including obstruction warning.

Satellite Digital Audio Radio Service (satellite DARS). A radiocommunication service in which compact disc quality programming is digitally transmitted by one or more space stations.

Wireless communications service. A radiocommunication service that encompasses fixed, mobile, satellite DARS, and radiolocation services.

§ 27.5 Frequencies.

The following frequencies are available for WCS.

(a) Two paired channel blocks are available for assignment on a Major Economic Area basis as follows:

Block A: 2305–2310 and 2350–2355 MHz; and
Block B: 2310–2315 and 2355–2360 MHz.

(b) Two unpaired channel blocks are available for assignment on a Regional Economic Area Grouping basis as follows:

Block C: 2315–2320 MHz; and
Block D: 2345–2350 MHz.

§ 27.6 Service areas.

WCS service areas are Major Economic Areas (MEAs) and Regional Economic Area Groupings (REAGs) as defined below. Both MEAs and REAGs are based on the U.S. Department of Commerce's 172 Economic Areas (EAs). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall separately license Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico, which have been assigned Commission-created EA numbers 173–176, respectively. Maps of the EAs, MEAs, and REAGs and the Federal Register Notice that established the 172 EAs are available for public inspection and copying at the Commercial Wireless Division Public Reference Room, room 5608, 2025 M Street, NW, Washington, DC.

(a) The 52 MEAs are composed of one or more EAs and the 12 REAGs are composed of one or more MEAs, as defined in the table below:

REAGs	MEAs	EAs
1 (Northeast)	1 (Boston)	1–3.
	2 (New York City)	4–7, 10.
	3 (Buffalo)	8.
	4 (Philadelphia)	11–12.

REAGs	MEAs	EAs
2 (Southeast)	5 (Washington)	13–14.
	6 (Richmond)	15–17, 20.
	7 (Charlotte-Greensboro-Greenville-Raleigh)	18–19, 21–26, 41–42, 46.
	8 (Atlanta)	27–28, 37–40, 43.
	9 (Jacksonville)	29, 35.
	10 (Tampa-St. Petersburg-Orlando)	30, 33–34.
	11 (Miami)	31–32.
3 (Great Lakes)	12 (Pittsburgh)	9, 52–53.
	13 (Cincinnati-Dayton)	48–50.
	14 (Columbus)	51.
	15 (Cleveland)	54–55.
	16 (Detroit)	56–58, 61–62.
	17 (Milwaukee)	59–60, 63, 104–105, 108.
	18 (Chicago)	64–66, 68, 97, 101.
	19 (Indianapolis)	67.
	20 (Minneapolis-St. Paul)	106–107, 109–114, 116.
	21 (Des Moines-Quad Cities)	100, 102–103, 117.
4 (Mississippi Valley)	22 (Knoxville)	44–45.
	23 (Louisville-Lexington-Evansville)	47, 69–70, 72.
	24 (Birmingham)	36, 74, 78–79.
	25 (Nashville)	71.
	26 (Memphis-Jackson)	73, 75–77.
	27 (New Orleans-Baton Rouge)	80–85.
	28 (Little Rock)	90–92, 95.
	29 (Kansas City)	93, 99, 123.
	30 (St. Louis)	94, 96, 98.
5 (Central)	31 (Houston)	86–87, 131.
	32 (Dallas-Fort Worth)	88–89, 127–130, 135, 137–138.
	33 (Denver)	115, 140–143.
	34 (Omaha)	118–121.
	35 (Wichita)	122.
	36 (Tulsa)	124.
	37 (Oklahoma City)	125–126.
	38 (San Antonio)	132–134.
	39 (El Paso-Albuquerque)	136, 139, 155–157.
	40 (Phoenix)	154, 158–159.
6 (West)	41 (Spokane-Billings)	144–147, 168.
	42 (Salt Lake City)	148–150, 152.
	43 (San Francisco-Oakland-San Jose)	151, 162–165.
	44 (Los Angeles-San Diego)	153, 160–161.
	45 (Portland)	166–167.
	46 (Seattle)	169–170.
7 (Alaska)	47 (Alaska)	171.
8 (Hawaii)	48 (Hawaii)	172.
9 (Guam and the Northern Mariana Islands)	49 (Guam and the Northern Mariana Islands)	173.
10 (Puerto Rico and U.S. Virgin Islands)	50 (Puerto Rico and U.S. Virgin Islands)	174.
11 (American Samoa)	51 (American Samoa)	175.
12 (Gulf of Mexico)	52 (Gulf of Mexico)	176.

(b) The Gulf of Mexico EA extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

Subpart B—Applications and Licenses

§ 27.11 Initial authorization.

(a) An applicant must file an application for an initial WCS authorization in each market and channel block desired. Applicants are permitted to list all markets and channel blocks in a single application where all requisite exhibits and justifications are identical.

(b) The initial WCS authorizations shall be granted for 10 megahertz of spectrum in accordance with § 27.5. Authorizations for Blocks A and B will be based on Major Economic Areas (MEAs), as shown in § 27.6. Authorizations for Blocks C and D will be based on Regional Economic Area Groupings (REAGs), as shown in § 27.6. Applications for individual sites are not required and will not be accepted, except where required for environmental assessments, in accordance with § 27.63.

§ 27.12 Eligibility.

Any entity, other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. section 310, is eligible to hold a license under this part.

§ 27.13 License period.

Initial WCS authorizations will have a term not to exceed ten years from the date of original issuance or renewal.

§ 27.14 Construction requirements; Criteria for comparative renewal proceedings.

(a) WCS licensees must make a showing of ''substantial service'' in their license area within ten years of being licensed. ''Substantial'' service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(b) A renewal applicant involved in a comparative renewal proceeding shall receive a preference, commonly referred to as a renewal expectancy, which is the most important comparative factor to be considered in the proceeding, if its past

record for the relevant license period demonstrates that:

(1) The renewal applicant has provided ''substantial'' service during its past license term; and

(2) The renewal applicant has substantially complied with applicable FCC rules, policies and the Communications Act of 1934, as amended.

(c) In order to establish its right to a renewal expectancy, a WCS renewal applicant involved in a comparative renewal proceeding must submit a showing explaining why it should receive a renewal expectancy. At a minimum, this showing must include:

(1) A description of its current service in terms of geographic coverage and population served;

(2) An explanation of its record of expansion, including a timetable of new construction to meet changes in demand for service;

(3) A description of its investments in its WCS system; and

(4) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(d) In making its showing of entitlement to a renewal expectancy, a renewal applicant may claim credit for any system modification applications that were pending on the date it filed its renewal application. Such credit will not be allowed if the modification application is dismissed or denied.

§ 27.15 Geographic partitioning and spectrum disaggregation.

(a) *Eligibility.* (1) Parties seeking approval for partitioning and disaggregation shall request from the Commission an authorization for partial assignment of a license pursuant to section 27.324.

(2) WCS licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum at any time following the grant of their licenses.

(b) *Technical Standards*—(1) *Partitioning.* In the case of partitioning, requests for authorization for partial assignment of a license must include, as attachments, a description of the partitioned service area and a calculation of the population of the partitioned service area and the licensed geographic service area. The partitioned service area shall be defined by coordinate points at every 3 degrees along the partitioned service area unless an FCC recognized service area is utilized (i.e., Major Trading Area, Basic Trading Area, Metropolitan Service Area, Rural Service Area, Economic Area, or Major Economic Area) or county lines are followed. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1927 North American Datum (NAD27). Applicants may supply geographical coordinates based on 1983 North American Datum (NAD83) in addition to those required (NAD27). In the case where an FCC recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined partitioning and disaggregation.* The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(4) *Signal levels.* For purposes of partitioning and disaggregation, WCS systems must be designed so as not to exceed a signal level of 47 dByV/m at the licensee's service area boundary, unless the affected adjacent service area licensees have agreed to a different signal level. See section 27.55.

(c) *Unjust Enrichment.*—(1) *Bidding credits.* Licensees that received a bidding credit and partition their licenses or disaggregate their spectrum to entities not meeting the eligibility standards for such a bidding credit, will be subject to the provisions concerning unjust enrichment as set forth in section 27.209(c).

(2) *Apportioning unjust enrichment payments.* Unjust enrichment payments for partitioned license areas shall be calculated based upon the ratio of the population of the partitioned license area to the overall population of the license area and by utilizing the most recent census data. Unjust enrichment payments for disaggregated spectrum shall be calculated based upon the ratio of the amount of spectrum disaggregated to the amount of spectrum held by the licensee.

(d) *License term*. The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's license term as provided for in § 27.13.

Subpart C—Technical Standards

§ 27.51 Equipment authorization.

(a) Each transmitter utilized for operation under this part and each transmitter marketed, as set forth in § 2.803 of this chapter, must be of a type that has been authorized by the Commission under its type acceptance procedure.

(b) The Commission periodically publishes a list of type accepted equipment, entitled ''Radio Equipment List, Equipment Accepted for Licensing.'' Copies of this list are available for public reference at the Commission's offices in Washington, DC, at each of its field offices, and may be ordered from its copy contractor.

(c) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter. Such equipment if approved or accepted will not normally be included in the Commission's Radio Equipment List but will be individually enumerated on the station authorization.

§ 27.52 RF safety.

Licensees and manufacturers are subject to the radio frequency radiation exposure requirements specified in sections 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

§ 27.53 Emission limits.

(a) The power of any emission outside the licensee's bands of operation shall be attenuated below the transmitter power (p) within the licensed bands of operation by the following amounts:

(1) *For fixed operations, including radiolocation:* By a factor not less than 80 + 10 log (p) dB on all frequencies between 2320 and 2345 MHz.

(2) *For mobile operations, including radiolocation:* By a factor not less than 110 + 10 log (p) dB on all frequencies between 2320 and 2345 MHz.

(3) *For fixed and mobile operations, including radiolocation:* By a factor not less than 70 + 10 log (p) dB on all frequencies below 2300 MHz and on all frequencies above 2370 MHz; and not less than 43 + 10 log (p) dB on all frequencies between 2300 and 2320 MHz and on all frequencies between 2345 and 2370 MHz that are outside the licensed bands of operation.

(4) For the purposes of this section, radiolocation shall be classified as either a fixed or mobile service, depending upon the application.

(5) Compliance with these provisions is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or less, but at least one percent of the emission bandwidth of the fundamental emission of the transmitter, provided the measured energy is integrated over a 1 MHz bandwidth.

(6) In complying with the requirements in §§ 27.53(a)(1) and 27.53(a)(2), WCS equipment that uses opposite sense circular polarization from that used by satellite DARS systems in the 2320–2345 MHz band shall be permitted an allowance of 10 dB.

(7) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close to the edges, both upper and lower, of the licensee's bands of operation as the design permits.

(8) The measurements of emission power can be expressed in peak or average values, provided they are expressed in the same parameters as the transmitter power.

(9) The above out-of-band emissions limits may be modified by the private contractual agreement of the affected licensees, who shall maintain a copy of the agreement in their station files and disclose it to prospective assignees or transferees or, upon request, to the Commission.

(b) *For WCS satellite DARS operations:* The limits set forth in section 25.202(f) of this chapter apply, except that satellite DARS operations are limited to a maximum power flux density of −197 dBW/m2/4 kHz in the 2370–2390 MHz band at Arecibo, Puerto Rico.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

§ 27.54 Frequency stability.

The frequency stability shall be sufficient to ensure that the fundamental emissions stay within the authorized bands of operation.

§ 27.55 Field strength limits.

The predicted or measured median field strength at any location on the border of a WCS service area shall not exceed 47 dBμV/m unless the parties agree to a different field strength. This value applies to both the initially offered MEA and REAG service areas and to partitioned service areas.

§ 27.56 Antenna structures; air navigation safety.

A licensee that owns its antenna structure(s) must not allow such antenna structure(s) to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, the FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration. For any construction or alteration that would exceed the requirements of section 17.7 of this chapter, licensees must notify the appropriate Regional Office of the Federal Aviation Administration (FAA Form 7460–1) and file a request for antenna height clearance and obstruction marking and lighting specifications (FCC Form 854) with the FCC, WTB, 1270 Fairfield Road, Gettysburg, PA 17325.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

§ 27.57 International coordination.

WCS operations in the border areas shall be subject to coordination with those countries and provide protection to non-U.S. operations in the 2305–2320 and 2345–2360 MHz bands as appropriate. In addition, satellite DARS operations in WCS spectrum shall be subject to international satellite coordination procedures.

§ 27.59 Environmental requirements.

WCS operations that may have a significant environmental impact as defined by §§ 1.1301 through 1.1319 of this chapter, must file an FCC Form 600 and supply specific technical information about their proposed site prior to construction of such site as well as an environmental assessment (EA) in accordance with §§ 1.1301 through 1.1319 of this chapter. Such application will be placed on public notice in accordance with § 27.316 and may not be constructed or operated prior to a finding of no significant impact (FONSI) being issued and placed on public notice by the FCC.

§ 27.61 Quiet zones.

Quiet zones are those areas where it is necessary to restrict radiation so as to minimize possible impact on the operations of radio astronomy or other facilities that are highly sensitive to interference. The areas involved and procedures required are as follows:

(a) *NRAO, NRRO.* The requirements of this paragraph are intended to minimize possible interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia. WCS licensees planning to construct and operate a new or modified WCS station at a permanent fixed location within the area bounded by N.39°15′ on the north, W.78°30′ on the east, N.37°30′ on the south, and W.80°30′ on the west must notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, WV 24944, in writing, of the technical details of the proposed operation. The notification must include the geographical coordinates of the antenna location, the antenna height, antenna directivity (if any), the channel, the emission type and power.

(b) *Table Mountain.* The requirements of this paragraph are intended to minimize possible interference at the Table Mountain Radio Receiving Zone of the Research Laboratories of the U.S. Department of Commerce located in Boulder County, Colorado.

(1) WCS licensees planning to construct and operate a new or modified WCS station at a permanent fixed location in the vicinity of Boulder County, Colorado are advised to give consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from interference. To prevent degradation of the present ambient radio signal level at the site, the U.S. Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 1800 acre site (in the vicinity of coordinates 40°07′50″ North Latitude, 105°14′40″ West

Longitude) resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the values given in Table C–3.

TABLE C–3—FIELD STRENGTH LIMITS FOR TABLE MOUNTAIN

Frequency range	Field strength	Power flux density
890 to 3000 MHz.	1 mV/m	-85.8 dBW/m^2

Note: Equivalent values of power flux density are calculated assuming free space characteristic impedance of 376.7Ω (120πΩ). (120).

(2) Advance consultation is recommended, particularly for WCS licensees that have no reliable data to indicate whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities. In general, coordination is recommended for:

(i) Stations located within 2.4 kilometers (1.5 miles);

(ii) Stations located within 4.8 kilometers (3 miles) transmitting with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations located within 16 kilometers (10 miles) transmitting with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Radio Receiving Zone;

(iv) Stations located within 80 kilometers (50 miles) transmitting with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(3) WCS licensees are urged to communicate with the Radio Frequency Management Coordinator, U.S. Department of Commerce, Research Support Services NOAAR/E5X2, Boulder Laboratories, Boulder, CO 80303; telephone (303) 497–6548, in advance of construction and operation of such facilities.

(c) *Federal Communications Commission protected field offices.* The requirements of this paragraph are intended to minimize possible interference to FCC monitoring activities.

(1) WCS licensees planning to construct and operate a new or modified WCS station at a permanent fixed location in the vicinity of an FCC protected field office are advised to give consideration to the need to avoid interfering with the monitoring activities of that office. FCC protected field offices are listed in § 0.121 of this chapter.

(2) Applications for stations (except mobile stations) that could produce on any channel a direct wave fundamental field strength of greater than 10 mV/m (−65.8 dBW/m^2 power flux density assuming a free space characteristic impedance of 120πΩ) in the authorized bandwidth at the protected field office must be examined by WCS licensees to determine the potential for interference with monitoring activities.

(3) In the event that the calculated field strength exceeds 10 mV/m at the protected field office site, or if there is any question whether field strength levels might exceed that level, advance consultation with the FCC to discuss possible measures to avoid interference to monitoring activities should be considered. WCS licensees may communicate with: Chief, Compliance and Information Bureau, Federal Communications Commission, Washington, DC 20554.

(4) Advance consultation is recommended for WCS licensees that have no reliable data to indicate whether the field strength or power flux density figure indicated would be exceeded by their proposed radio facilities. In general, coordination is recommended for:

(i) Stations located within 2.4 kilometers (1.5 miles);

(ii) Stations located within 4.8 kilometers (3 miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the protected field offices.

(iii) Stations located within 16 kilometers (10 miles) with 1 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the protected field office;

(iv) Stations located within 80 kilometers (50 miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the protected field office;

(5) Advance coordination for stations transmitting on channels above 1000 MHz is recommended only if the proposed station is in the vicinity of a protected field office designated as a satellite monitoring facility in § 0.121 of this chapter.

(6) The FCC will not screen applications to determine whether advance consultation has taken place. However, such consultation may serve to avoid the need for later modification of the authorizations of stations that interfere with monitoring activities at protected field offices.

§ 27.63 Disturbance of AM broadcast station antenna patterns.

WCS licensees that construct or modify towers in the immediate vicinity of AM broadcast stations are responsible for measures necessary to correct disturbance of the AM station antenna pattern which causes operation outside of the radiation parameters specified by the FCC for the AM station, if the disturbance occurred as a result of such construction or modification.

(a) *Non-directional AM stations.* If tower construction or modification is planned within 1 kilometer (0.6 mile) of a non-directional AM broadcast station tower, the WCS licensee must notify the licensee of the AM broadcast station in advance of the planned construction or modification. Measurements must be made to determine whether the construction or modification would affect the AM station antenna pattern. The WCS licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper non-directional performance of the AM station tower.

(b) *Directional AM stations.* If tower construction or modification is planned within 3 kilometers (1.9 miles) of a directional AM broadcast station array, the WCS licensee must notify the licensee of the AM broadcast station in advance of the planned construction or modification. Measurements must be made to determine whether the construction or modification would affect the AM station antenna pattern. The WCS licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper performance of the AM station array.

§ 27.64 Protection from interference.

Wireless Communications Service (WCS) stations operating in full accordance with applicable FCC rules and the terms and conditions of their authorizations are normally considered to be non-interfering. If the FCC determines, however, that interference which significantly interrupts or degrades a radio service is being caused, it may, after notice and an opportunity for a hearing, require modifications to any WCS station as necessary to eliminate such interference.

(a) *Failure to operate as authorized.* Any licensee causing interference to the service of other stations by failing to operate its station in full accordance with its authorization and applicable FCC rules shall discontinue all transmissions, except those necessary for the immediate safety of life or property, until it can bring its station

into full compliance with the authorization and rules.

(b) *Intermodulation interference.* Licensees should attempt to resolve such interference by technical means.

(c) *Situations in which no protection is afforded.* Except as provided elsewhere in this part, no protection from interference is afforded in the following situations:

(1) *Interference to base receivers from base or fixed transmitters.* Licensees should attempt to resolve such interference by technical means or operating arrangements.

(2) *Interference to mobile receivers from mobile transmitters.* No protection is provided against mobile-to-mobile interference.

(3) *Interference to base receivers from mobile transmitters.* No protection is provided against mobile-to-base interference.

(4) *Interference to fixed stations.* Licensees should attempt to resolve such interference by technical means or operating arrangements.

(5) *Anomalous or infrequent propagation modes.* No protection is provided against interference caused by tropospheric and ionospheric propagation of signals.

Subpart D—Competitive Bidding Procedures for WCS

§ 27.201 WCS subject to competitive bidding.

Mutually exclusive initial applications to provide WCS service are subject to competitive bidding procedures. The procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise specified in this part.

§ 27.202 Competitive bidding mechanisms.

In addition to the provisions of § 1.2104(a) through (f), (h) and (i) of this chapter, the following provision will apply to WCS: Where a tie bid occurs, the high bidder will be determined by the order in which the bids were received by the Commission.

§ 27.203 Withdrawal, default and disqualification payments.

When the Commission conducts a simultaneous multiple round auction pursuant to § 27.202, the Commission will impose payments on bidders who withdraw high bids during the course of an auction, or who default on payments due after an auction closes or who are disqualified. When the amount of such a payment cannot be determined, a deposit of up to 20 percent of the amount bid on the license will be required.

(a) Bid withdrawal prior to close of auction. A bidder who withdraws a high bid during the course of an auction will be subject to a payment equal to the difference between the amount bid and the amount of the winning bid the next time the license is offered by the Commission. No withdrawal payment would be assessed if the subsequent winning bid exceeds the withdrawn bid. This payment amount will be deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission.

(b) Default or disqualification after close of auction. If a high bidder defaults or is disqualified after the close of such an auction, the defaulting bidder will be subject to the payment in paragraph (a) of this section plus an additional payment equal to 3 percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder's bid amount, the 3 percent payment will be calculated based on the defaulting bidder's bid amount. These amounts will be deducted from any upfront payments or down payments that the defaulting or disqualified bidder has deposited with the Commission.

§ 27.204 Bidding application and certification procedures; prohibition of collusion.

(a) *Submission of Short-Form Application (FCC Form 175).* In order to be eligible to bid, an applicant must timely submit, by means of electronic filing, a short-form application (FCC Form 175). Unless otherwise provided by public notice, the Form 175 need not be accompanied by an upfront payment (see § 27.205).

(1) All Form 175s will be due on the date specified by public notice.

(2) The Form 175 must contain the following information:

(i) Identification of each license on which the applicant wishes to bid;

(ii) The applicant's name, if the applicant is an individual. If the applicant is a corporation, then the short-form application will require the name and address of the corporate office and the name and title of an officer or director. If the applicant is a partnership, then the application will require the names, citizenship and addresses of all partners, and, if a partner is not a natural person, then the name and title of a responsible person should be included as well. If the applicant is a trust, then the name and address of the trustee will be required. If the applicant is none of the above, then it must identify and describe itself and its principals or other responsible persons;

(iii) The identity of the person(s) authorized to make or withdraw a bid;

(iv) If the applicant applies as a designated entity pursuant to section 27.210(b), a statement to that effect and a declaration, under penalty of perjury, that the applicant is qualified as a designated entity under § 27.210(b).

(v) Certification that the applicant is legally, technically, financially and otherwise qualified pursuant to section 308(b) of the Communications Act of 1934, as amended. The Commission will accept applications certifying that a request for waiver or other relief from the requirements of section 310 is pending;

(vi) Certification that the applicant is in compliance with the foreign ownership provisions of section 310 of the Communications Act of 1934, as amended;

(vii) Certification that the applicant is and will, during the pendency of its application(s), remain in compliance with any service-specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications. The Commission may require certification in certain services that the applicant will, following grant of a license, come into compliance with certain service-specific rules, including, but not limited to, ownership eligibility limitations;

(viii) An exhibit, certified as truthful under penalty of perjury, identifying all parties with whom the applicant has entered into partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any such agreements relating to the post-auction market structure;

(ix) Certification under penalty of perjury that it has not entered and will not enter into any explicit or implicit agreements, arrangements or understandings of any kind with any parties other than those identified pursuant to paragraph (a)(2)(viii) of this section regarding the amount of their bids, bidding strategies or the particular licenses on which they will or will not bid; and

(x) Certification under penalty of perjury that it is not in default on any Commission licenses and that it is not delinquent on any extension of credit from any federal agency.

Note to paragraph (a): The Commission may also request applicants to submit additional information for informational purposes to aid in its preparation of required reports to Congress.

(b) Modification and Amendment of Application. Applicants will be

permitted to amend their Form 175 applications to make minor amendments to correct minor errors or defects such as typographical errors. Applicants will also be permitted to amend FCC Form 175 to make changes to the information required by § 27.204(a) (such as ownership changes or changes in the identification of parties to bidding consortia), provided such changes do not result in a change in control of the applicant and do not involve another applicant (or parties in interest to an applicant) who has applied for licenses in any of the same geographic license areas as the applicant. Amendments which change control of the applicant will be considered major amendments. An FCC Form 175 which is amended by a major amendment will be considered to be newly filed and cannot be resubmitted after applicable filing deadlines. See also § 1.2105 of this chapter.

(c) Prohibition of collusion. (1) Except as provided in paragraphs (c)(2), (c)(3) and (c)(4) of this section, after the filing of short-form applications, all applicants are prohibited from cooperating, collaborating, discussing or disclosing in any manner the substance of their bids or bidding strategies, or discussing or negotiating settlement agreements, with other applicants until after the high bidder makes the required down payment, unless such applicants are members of a bidding consortium or other joint bidding arrangement identified on the bidder's short-form application pursuant to § 27.204(a)(2)(viii).

(2) Applicants may modify their short-form applications to reflect formation of consortia or changes in ownership at any time before or during an auction, provided such changes do not result in a change in control of the applicant, and provided that the parties forming consortia or entering into ownership agreements have not applied for licenses in any of the same geographic license areas. Such changes will not be considered major modifications of the application.

(3) After the filing of short-form applications, applicants may make agreements to bid jointly for licenses, provided the parties to the agreement have not applied for licenses in any of the same geographic license areas.

(4) After the filing of short-form applications, a holder of a non-controlling attributable interest in an entity submitting a short-form application may acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with, other applicants for licenses in the same geographic license area, provided that:

(i) The attributable interest holder certifies to the Commission that it has not communicated and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has a consortium or joint bidding arrangement, and which have applied for licenses in the same geographic license area(s); and

(ii) The arrangements do not result in any change in control of an applicant.

(5) Applicants must modify their short-form applications to reflect any changes in ownership or in the membership of consortia or joint bidding arrangements.

(6) For purposes of this paragraph:

(i) The term ''applicant'' shall include the entity submitting a short-form application to participate in an auction (FCC Form 175), as well as all holders of partnership and other ownership interests and any stock interest amounting to 5 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application, and all officers and directors of that entity; and

(ii) The term ''bids or bidding strategies'' shall include capital calls or requests for additional funds in support of bids or bidding strategies.

§ 27.205 Submission of upfront payments.

(a) Each eligible bidder for WCS licenses subject to auction shall pay an upfront payment pursuant to this chapter and procedures specified by public notice. No interest will be paid on upfront payments.

(b) Upfront payments must be made by wire transfer.

(c) If the applicant does not submit at least the minimum upfront payment, it will be ineligible to bid, its application will be dismissed and any upfront payment it has made will be returned.

(d) The upfront payment(s) of a bidder will be credited toward any down payment required for licenses on which the bidder is the high bidder. Where the upfront payment amount exceeds the required deposit of a winning bidder, the Commission will refund the excess amount after determining that no bid withdrawal payments are owed by that bidder.

(e) In accordance with the provisions of paragraph (d) of this section, in the event a payment is assessed pursuant to § 27.203 for bid withdrawal or default, upfront payments or down payments on deposit with the Commission will be used to satisfy the bid withdrawal or default payment before being applied toward any additional payment obligations that the high bidder may have.

§ 27.206 Submission of down payment and filing of long-form applications.

(a) After bidding has ended, the Commission will identify and notify the high bidder and declare the bidding closed.

(b) Within ten (10) business days after being notified that it is a high bidder on a particular license(s), a high bidder must submit to the Commission's lockbox bank such additional funds (the ''down payment'') as are necessary to bring its total deposits (not including upfront payments applied to satisfy bid withdrawal or default payments) up to twenty (20) percent of its high bid(s). This down payment must be made by wire transfer or cashier's check drawn in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission. Down payments will be held by the Commission until the high bidder has been awarded the license and has paid the remaining balance due on the license, in which case it will not be returned, or until the winning bidder is found unqualified to be a licensee or has defaulted, in which case it will be returned, less applicable payments. No interest will be paid on any down payment.

(c) A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the ''long-form application'') pursuant to the rules governing the service in which the applicant is the high bidder. Notwithstanding any other provision in title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications. Notwithstanding any other provision in Title 47 of the Code of Federal Regulations to the contrary, the high bidder's long-form application must be mailed or otherwise delivered to: Office of the Secretary, Federal Communications Commission, Attention: Auction Application Processing Section, 1919 M Street, NW, Room 222, Washington, DC 20554. An applicant that fails to submit the required long-form application as required under this section, and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the payments set forth in section 27.203.

(d) As an exhibit to its long-form application, the applicant must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint venture, partnership or other agreement or arrangement it had entered into relating to the competitive bidding process prior to the time bidding was completed. Such agreements must have been entered into prior to the filing of short-form applications pursuant to § 27.204.

§ 27.207 Procedures for filing petitions to deny against WCS long-form applications.

(a) Within five (5) days after the Commission gives public notice that a long-form application has been accepted for filing, petitions to deny that application may be filed. Any such petitions must contain allegations of fact supported by affidavit of a person or persons with personal knowledge thereof, and be served by hand upon the applicant or its representative.

(b) An applicant may file an opposition to any petition to deny within five (5) days after the deadline for filing petitions to deny. Allegations of fact or denials thereof must be supported by affidavit of a person or persons with personal knowledge thereof, and such opposition must be served by hand upon the petitioner.

(c) If the Commission determines that:

(1) An applicant is qualified and there is no substantial and material issue of fact concerning that determination, it will grant the application;

(2) An applicant is not qualified and that there is no substantial issue of fact concerning that determination, the Commission need not hold a evidentiary hearing and will deny the application; and

(3) Substantial and material issues of fact require a hearing, it will conduct a hearing. The Commission may permit all or part of the evidence to be submitted in written form and may permit employees other than administrative law judges to preside at the taking of written evidence. Such hearing will be conducted on an expedited basis.

§ 27.208 License grant, denial, default, and disqualification.

(a) Unless otherwise specified in these rules, auction winners are required to pay the balance of their winning bids in a lump sum within ten (10) business days following award of the license. Grant of the license will be conditioned on full and timely payment of the winning bid.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default penalty specified in § 27.203. In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. The down payment obligations set forth in § 27.206(b) will apply.

(c) A winning bidder who is found unqualified to be a licensee, fails to remit the balance of its winning bid in a timely manner, or defaults or is disqualified for any reason after having made the required down payment, will be deemed to have defaulted and will be liable for the payment set forth in § 27.203. In such event, the Commission will conduct another auction for the license, affording new parties an opportunity to file applications for the license.

(d) Bidders who are found to have violated the antitrust laws or the Commission's rules in connection with their participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of their upfront payment, down payment or full bid amount, and may be prohibited from participating in future auctions.

§ 27.209 Designated entities; bidding credits; unjust enrichment.

(a) Designated entities entitled to preferences in the WCS auction are small businesses and very small businesses as defined in § 27.110(b). Designated entities will be eligible for bidding credits, as defined in paragraphs (b) and (c) of this section.

(b) A winning bidder that qualifies as a *small business* may use a bidding credit of 25 percent to lower the cost of its winning bid.

(c) A winning bidder that qualifies as a *very small business* may use a bidding credit of 35 percent to lower the cost of its winning bid.

(d) Unjust Enrichment:

(1) If a small business or very small business (as defined in § 27.210(b)) that utilizes a bidding credit under this section seeks to transfer control or assign an authorization to an entity that is not a small business or a very small business, or seeks to make any other change in ownership that would result in the licensee losing eligibility as a small business or very small business, the small business or very small business must seek Commission approval and reimburse the U.S. Government for the amount of the bidding credit, plus interest based on the rate for ten year U.S. Treasury obligations applicable on the date the license is granted, as a condition of approval of the assignment or transfer of control.

(2) If a very small business (as defined in § 27.210(b)) that utilizes a bidding credit under this section seeks to transfer control or assign an authorization to a small business meeting the eligibility standards for a lower bidding credit, or seeks to make any other change in ownership that would result in the licensee qualifying for a lower bidding credit under this section, the licensee must seek Commission approval and reimburse the U.S. Government for the difference between the amount of the bidding credit obtained by the licensee and the bidding credit for which the assignee, transferee, or licensee is eligible under this section, plus interest based on the rate for ten year U.S. Treasury obligations applicable on the date the license is granted, as a condition of the approval of such assignment, transfer, or other ownership change.

(3) The amount of payments made pursuant to paragraphs (d)(1) and (d)(2) of this section will be reduced over time as follows: A transfer in the first five years of the license term will result in a forfeiture of 100 percent of the value of the bidding credit (or the difference between the bidding credit obtained by the original licensee and the bidding credit for which the post-transfer licensee is eligible); in year 6 of the license term the payment will be 80 percent; in year 7 the payment will be 60 percent; in year 8 the payment will be 40 percent; and in year 9 the payment will be 20 percent. For a transfer occurring in year 10 and thereafter, there will be no assessment.

§ 27.210 Definitions.

(a) Scope. The definitions in this section apply to § 27.209, unless otherwise specified in those sections.

(b) Small Business; Very Small Business; Consortia.

(1) A *small business* is an entity that, together with its affiliates and controlling principals, has average annual gross revenues that are not more than $40 million for the preceding three years.

(2) A *very small business* is an entity that, together with its affiliates and controlling principals, has average annual gross revenues that are not more than $15 million for the preceding three years.

(3) For purposes of determining whether an entity meets the $40 million

average annual gross revenues size standard set forth in paragraph (b)(1) of this section or the $15 million average annual gross revenues size standard set forth in paragraph (b)(2) of this section, the gross revenues of the applicant and its affiliates shall be considered on a cumulative basis and aggregated subject to the following exceptions:

(i) For purposes of paragraphs (b)(1) and (b)(2) of this section, the personal net worth of an applicant and its affiliates is not included in the applicant's gross revenues; and

(ii) For purposes of paragraphs (b)(1) and (b)(2) of this section, Indian tribes or Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or entities owned and controlled by such tribes or corporations, are not considered affiliates of an applicant (or licensee) that is owned and controlled by such tribes, corporations or entities, and that otherwise complies with the requirements of paragraphs (b)(1) and (b)(2) of this section, except that gross revenues derived from gaming activities conducted by affiliated entities pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) will be counted in determining such applicant's (or licensee's) compliance with the financial requirements of paragraphs (b)(1) and (b)(2) of this section, unless such applicant establishes that it will not receive a substantial unfair competitive advantage because significant legal constraints restrict the applicant's ability to access such gross revenues.

(4) A consortium of small businesses (or a consortium of very small businesses) is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (b)(1) of this section or each of which satisfies the definition in paragraph (b)(2) of this section. Where an applicant (or licensee) is a consortium of small businesses, the gross revenues of each small business shall not be aggregated.

(c) *Gross Revenues.* Gross revenues shall mean all income received by an entity, whether earned or passive, before any deductions are made for costs of doing business (*e.g.*, cost of goods sold), as evidenced by audited financial statements for the relevant number of most recently completed calendar years, or, if audited financial statements were not prepared on a calendar-year basis, for the most recently completed fiscal years preceding the filing of the applicant's short-form application (Form 175). If an entity was not in existence for all or part of the relevant period, gross revenues shall be evidenced by the audited financial statements of the entity's predecessor-in-interest or, if there is no identifiable predecessor-in-interest, unaudited financial statements certified by the applicant as accurate. When an applicant does not otherwise use audited financial statements, its gross revenues may be certified by its chief financial officer or its equivalent.

(d) *Affiliate.*—(1) *Basis for affiliation.* An individual or entity is an affiliate of an applicant if such individual or entity:

(i) Directly or indirectly controls or has the power to control the applicant;

(ii) Is directly or indirectly controlled by the applicant;

(iii) Is directly or indirectly controlled by a third party or parties who also control or have the power to control the applicant; or

(iv) Has an ''identity of interest'' with the applicant.

(2) *Nature of control in determining affiliation.* (i) Every business concern is considered to have one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example for paragraph (d)(2)(i). An applicant owning 50 percent of the voting stock of another concern would have negative power to control such concern since such party can block any action of the other stockholders. Also, the bylaws of a corporation may permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders in the other entity. Affiliation exists when the applicant has the power to control a concern while at the same time another person, or persons, are in control of the concern at the will of the party or parties with the power of control.

(ii) Control can arise through stock ownership; occupancy of director, officer, or key employee positions; contractual or other business relations; or combinations of these and other factors. A key employee is an employee who, because of his/her position in the concern, has a critical influence in or substantive control over the operations or management of the concern.

(iii) Control can arise through management positions if the voting stock is so widely distributed that no effective control can be established.

Example for paragraph (d)(2)(iii). In a corporation where the officers and directors own various size blocks of stock totaling 40 percent of the corporation's voting stock, but no officer or director has a block sufficient to give him/her control or the power to control and the remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control. If persons with such management control of the other entity are controlling principals of the applicant, the other entity will be deemed an affiliate of the applicant.

(3) *Identity of interest between and among persons.* Affiliation can arise between or among two or more persons with an identity of interest, such as members of the same family or persons with common investments. In determining if the applicant controls or is controlled by a concern, persons with an identity of interest will be treated as though they were one person.

(i) *Spousal affiliation.* Both spouses are deemed to own or control or have the power to control interests owned or controlled by either of them, unless they are subject to a legal separation recognized by a court of competent jurisdiction in the United States.

(ii) *Kinship affiliation.* Immediate family members will be presumed to own or control or have the power to control interests owned or controlled by other immediate family members. In this context ''immediate family member'' means father, mother, husband, wife, son, daughter, brother, sister, father- or mother-in-law, son- or daughter-in-law, brother- or sister-in-law, step-father or -mother, step-brother or -sister, step-son or -daughter, half-brother or -sister. This presumption may be rebutted by showing that:

(A) The family members are estranged;

(B) The family ties are remote;

(C) The family members are not closely involved with each other in business matters.

Example for paragraph (d)(3)(ii). A owns a controlling interest in Corporation X. A's sister-in-law, B, has a controlling interest in a WCS geographic area license application. Because A and B have a presumptive kinship affiliation, A's interest in Corporation X is attributable to B, and thus to the applicant, unless B rebuts the presumption with the necessary showing.

(4) *Affiliation through stock ownership.* (i) An applicant is presumed to control or have the power to control a concern if he/she owns or controls or has the power to control 50 percent or more of its voting stock.

(ii) An applicant is presumed to control or have the power to control a concern even though he/she owns, controls, or has the power to control less than 50 percent of the concern's voting stock, if the block of stock he/she owns, controls, or has the power to control is large as compared with any other outstanding block of stock.

(iii) If two or more persons each owns, controls or has the power to control less

than 50 percent of the voting stock of a concern, such minority holdings are equal or approximately equal in size, and the aggregate of these minority holdings is large as compared with any other stock holding, the presumption arises that each one of these persons individually controls or has the power to control the concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(5) *Affiliation arising under stock options, convertible debentures, and agreements to merge.* Stock options, convertible debentures, and agreements to merge (including agreements in principle) are generally considered to have a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements will generally be treated as though the rights held thereunder had been exercised. However, neither an affiliate nor an applicant can use such options and debentures to appear to terminate its control over another concern before it actually does so.

Example 1 for paragraph (d)(5). If company B holds an option to purchase a controlling interest in company A, who holds a controlling interest in a WCS geographic area license application, the situation is treated as though company B had exercised its rights and had become owner of a controlling interest in company A. The gross revenues of company B must be taken into account in determining the size of the applicant.

Example 2 for paragraph (d)(5). If a large company, BigCo, holds 70% (70 of 100 outstanding shares) of the voting stock of company A, who holds a controlling interest in a WCS geographic area license application, and gives a third party, SmallCo, an option to purchase 50 of the 70 shares owned by BigCo, BigCo will be deemed to be an affiliate of company A, and thus the applicant, until SmallCo actually exercises its options to purchase such shares. In order to prevent BigCo from circumventing the intent of the rule, which requires such options to be considered on a fully diluted basis, the option is not considered to have present effect in this case.

Example 3 for paragraph (d)(5). If company A has entered into an agreement to merge with company B in the future, the situation is treated as though the merger has taken place.

(6) *Affiliation under voting trusts.* (i) Stock interests held in trust shall be deemed controlled by any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and to any person who has the right to revoke the trust at will or to replace the trustee at will.

(ii) If a trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the stock interests held in trust will be deemed controlled by the grantor or beneficiary, as appropriate.

(iii) If the primary purpose of a voting trust, or similar agreement, is to separate voting power from beneficial ownership of voting stock for the purpose of shifting control of or the power to control a concern in order that such concern or another concern may meet the Commission's size standards, such voting trust shall not be considered valid for this purpose regardless of whether it is or is not recognized within the appropriate jurisdiction.

(7) *Affiliation through common management.* Affiliation generally arises where officers, directors, or key employees serve as the majority or otherwise as the controlling element of the board of directors and/or the management of another entity.

(8) *Affiliation through common facilities.* Affiliation generally arises where one concern shares office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operations, or where such concerns were formerly affiliated, and through these sharing arrangements one concern has control, or potential control, of the other concern.

(9) *Affiliation through contractual relationships.* Affiliation generally arises where one concern is dependent upon another concern for contracts and business to such a degree that one concern has control, or potential control, of the other concern.

(10) *Affiliation under joint venture arrangements.* (i) A joint venture for size determination purposes is an association of concerns and/or individuals, with interests in any degree or proportion, formed by contract, express or implied, to engage in and carry out a single, specific business venture for joint profit for which purpose they combine their efforts, property, money, skill and knowledge, but not on a continuing or permanent basis for conducting business generally. The determination whether an entity is a joint venture is based upon the facts of the business operation, regardless of how the business operation may be designated by the parties involved. An agreement to share profits/losses proportionate to each party's contribution to the business operation is a significant factor in determining whether the business operation is a joint venture.

(ii) The parties to a joint venture are considered to be affiliated with each other.

Subpart E—Application, Licensing, and Processing Rules for WCS

§ 27.301 Authorization required.

No person shall use or operate any device for the transmission of energy or communications by radio in the services authorized by this part except as provided in this part.

§ 27.302 Eligibility.

(a) General. Authorizations will be granted upon proper application if:

(1) The applicant is qualified under the applicable laws and the regulations, policies and decisions issued under those laws, including § 27.12;

(2) There are frequencies available to provide satisfactory service; and

(3) The public interest, convenience or necessity would be served by a grant.

(b) Alien Ownership. A WCS authorization may not be granted to or held by an entity not meeting the requirements of section 310 of the Communications Act of 1934, as amended, 47 U.S.C. section 310 insofar as applicable to the particular service in question.

§ 27.303 Formal and informal applications.

(a) Except for an authorization under any of the conditions stated in section 308(a) of the Communications Act of 1934 (47 U.S.C. 308(a)), the Commission may grant only upon written application received by it, the following authorization: station licenses; modifications of licenses; renewals of licenses; transfers and assignments of station licenses, or any right thereunder.

(b) Except as may be otherwise permitted by this part, a separate written application shall be filed for each instrument of authorization requested. Applications may be:

(1) ''Formal applications'' where the Commission has prescribed in this part a standard form; or

(2) ''Informal applications'' (normally in letter form) where the Commission has not prescribed a standard form.

(c) An informal application will be accepted for filing only if:

(1) A standard form is not prescribed or clearly applicable to the authorization requested;

(2) It is a document submitted, in duplicate, with a caption which indicates clearly the nature of the request, radio service involved, location of the station, and the application file number (if known); and

(3) It contains all the technical details and informational showings required by the rules and states clearly and completely the facts involved and authorization desired.

§ 27.304 Filing of WCS applications, fees, and numbers of copies.

(a) As prescribed by § 27.307, standard formal application forms applicable to the WCS may be obtained from either:

(1) Federal Communications Commission, Washington, DC 20554; or

(2) By calling the Commission's Forms Distribution Center, (202) 418–3676.

(b) Applications for the initial provision of WCS service must be filed on FCC Form 175 in accordance with the rules in § 27.204 and part 1, subpart Q of this chapter. In the event of mutual exclusivity between applicants filing FCC Form 175, only auction winners will be eligible to file subsequent long form applications on FCC Form 600 for initial WCS licenses. Mutually exclusive applications filed on Form 175 are subject to competitive bidding under those rules.

(c) All applications for WCS radio station authorizations (other than applications for initial provision of WCS service filed on FCC Form 175) shall be submitted for filing to: Federal Communications Commission, Wireless Telecommunications Bureau, 1270 Fairfield Road, Gettysburg, PA 17325, Attention: WCS Processing Section.

(d) All correspondence or amendments concerning a submitted application shall clearly identify the name of the applicant, FCC Account Number or Commission file number (if known) or station call sign of the application involved, and may be sent directly to the Wireless Telecommunications Bureau, 1270 Fairfield Road, Gettysburg, PA 17325, Attention: WCS Processing Section.

(e) Except as otherwise specified, all applications, amendments, correspondence, pleadings and forms (with the exception of FCC Form 175, which is to be filed electronically pursuant to § 27.204) shall be submitted on one original paper copy and with a 3.5-inch floppy disk containing all attachments, and any other supporting documentation in separate ASCII text (.TXT) file formats. Those filing any amendments, correspondence, pleadings, and forms must simultaneously submit the original hard copy which must be stamped ''original''. In addition to the original hard copy, those filing pleadings, including pleadings under § 1.2108 of this chapter shall also submit 2 paper copies as provided in § 1.51 of this chapter. Applicants who file electronically will not be required to follow these procedures, but instead are required to follow all instructions for electronic filing detailed by the FCC in any subsequent public notices.

(f) Subsequent application by auction winners or non-mutually exclusive applicants for WCS radio station(s) under this part 27. FCC Form 600 shall be submitted by each auction winner for each WCS license applied for on FCC Form 175. In the event that mutual exclusivity does not exist between applicants filing FCC Form 175, the Commission will so inform the applicant and the applicant will also file FCC Form 600. Blanket licenses are granted for each market frequency block. Applications for individual sites are not needed and will not be accepted. See § 27.11.

§ 27.305 [Reserved].

§ 27.306 Miscellaneous forms.

(a) Renewal of station licenses. Except for renewal of special temporary authorizations, FCC Form 405 (''Application for Renewal of Station License'') must be filed in duplicate by the licensee between thirty (30) and sixty (60) days prior to the expiration date of the license sought to be renewed.

(b) Assignment of authorization or transfer of control. Assignments of authorization or transfers of control applications are to be filed on the FCC Form 490, ''Application for Assignment of Authorization or Consent to Transfer of Control of License''.

§ 27.307 General application requirements.

(a) Each application (including applications filed on Forms 175 and 600) for a radio station authorization or for consent to assignment or transfer of control in the WCS shall disclose fully the real party or parties in interest and must include the following information:

(1) A list of its subsidiaries, if any. Subsidiary means any business five per cent or more whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, stockholder or key management personnel of the applicant. This list must include a description of each subsidiary's principal business and a description of each subsidiary's relationship to the applicant;

(2) A list of its affiliates, if any. Affiliate is defined in § 27.210(d);

(3) A list of the names, addresses, citizenship and principal business of any person holding five percent or more of each class of stock, warrants, options or debt securities together with the amount and percentage held, and the name, address, citizenship and principal place of business of any person on whose account, if other than the holder, such interest is held. If any of these persons are related by blood or marriage, include such relationship in the statement;

(4) In the case of partnerships, the name and address of each partner, each partner's citizenship and the share or interest participation in the partnership. This information must be provided for all partners, regardless of their respective ownership interests in the partnership. This information must be included an exhibit to the application; and

(b) Each application for a radio station authorization in the WCS must:

(1) Submit the information required by the Commission's rules, requests, and application forms;

(2) Be maintained by the applicant substantially accurate and complete in all significant respects in accordance with the provisions of § 1.65 of this chapter; and

(3) Show compliance with and make all special showings that may be applicable.

(c) Where documents, exhibits, or other lengthy showings already on file with the Commission contain information which is required by an application form, the application may specifically refer to such information, if:

(1) The information previously filed is over one A4 (21 cm x 29.7 cm) or 8.5 x 11 inch (21.6 cm x 27.9 cm) page in length, and all information referenced therein is current and accurate in all significant respects under § 1.65 of this chapter; and

(2) The reference states specifically where the previously filed information can actually be found, including mention of:

(i) The station call sign or application file number whenever the reference is to station files or previously filed applications; and

(ii) The title of the proceeding, the docket number, and any legal citations, whenever the reference is to a docketed proceeding. However, questions on an application form which call for specific technical data, or which can be answered by a ''yes'' or ''no'' or other short answer shall be answered as appropriate and shall not be cross-referenced to a previous filing.

(d) In addition to the general application requirements of subpart F of this part and § 27.204, applicants shall submit any additional documents, exhibits, or signed written statements of fact:

(1) As may be required by these rules; and

(2) As the Commission, at any time after the filing of an application and during the term of any authorization, may require from any applicant,

permittee, or licensee to enable it to determine whether a radio authorization should be granted, denied, or revoked.

(e) Except when the Commission has declared explicitly to the contrary, an informational requirement does not in itself imply the processing treatment of decisional weight to be accorded the response.

§ 27.308 Technical content of applications.

All applications required by this part shall contain all technical information required by the application forms or associated public notice(s). Applications other than initial applications for a WCS license must also comply with all technical requirements of the rules governing the WCS (see subparts C and D of this part as appropriate).

§ 27.310 Waiver of rules.

(a) *Request for waivers.* (1) Waivers of these rules may be granted upon application or by the Commission on its own motion. Requests for waivers shall contain a statement of reasons sufficient to justify a waiver. Waivers will not be granted except upon an affirmative showing:

(i) That the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and that grant of the waiver is otherwise in the public interest; or

(ii) That the unique facts and circumstances of a particular case render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest. Applicants must also show the lack of a reasonable alternative.

(2) If the information necessary to support a waiver request is already on file, the applicant may cross-reference to the specific filing where it may be found.

(b) *Denial of waiver, alternate showing required.* If a waiver is not granted, the application will be dismissed as defective unless the applicant has also provided an alternative proposal which complies with the Commission's rules (including any required showings).

§ 27.311 Defective applications.

(a) Unless the Commission shall otherwise permit, an application will be unacceptable for filing and will be returned to the applicant with a brief statement as to the omissions or discrepancies if:

(1) The application is defective with respect to completeness of answers to questions, informational showings, execution, or other matters of a formal character; or

(2) The application does not comply with the Commission's rules, regulations, specific requirements for additional information or other requirements. See also § 27.204.

(b) Some examples of common deficiencies which result in defective applications under paragraph (a) of this section are:

(1) The application is not filled out completely and signed; or

(2) The application (other than an application filed on FCC Form 175) does not include an environmental assessment as required for an action that may have a significant impact upon the environment, as defined in § 1.1307 of this chapter.

(3) The application is filed prior to the public notice issued under § 27.316 announcing the application filing date for the relevant auction or after the cutoff date prescribed in that public notice;

(c) If an applicant is requested by the Commission to file any documents or any supplementary or explanatory information not specifically required in the prescribed application form, a failure to comply with such request within a specified time period will be deemed to render the application defective and will subject it to dismissal.

§ 27.312 Inconsistent or conflicting applications.

While an application is pending and undecided under this part 27, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 27.313 Amendment of applications for Wireless Communications Service (other than applications filed on FCC Form 175).

This section applies to all applications for Wireless Communications Service other than applications filed on FCC Form 175.

(a) Amendments as of right. A pending application may be amended as a matter of right if the application has not been designated for hearing.

(1) Amendments shall comply with § 27.319, as applicable; and

(2) Amendments which resolve interference conflicts or amendments under § 27.319 may be filed at any time.

(b) The Commission or the presiding officer may grant requests to amend an application designated for hearing only if a written petition demonstrating good cause is submitted and properly served upon the parties of record.

(c) Major amendments, minor amendments. The Commission will classify all amendments as minor, unless there is a substantial change in ownership or control. Such an amendment shall be deemed to be a major amendment subject to § 27.316.

(d) If a petition to deny (or other formal objection) has been filed, any amendment, requests for waiver, (or other written communications) shall be served on the petitioner by hand, unless waiver of this requirement is granted pursuant to paragraph (e) of this section. See also § 1.2108 of this chapter.

(e) The Commission may waive the service requirements of paragraph (d) of this section and prescribe such alternative procedures as may be appropriate under the circumstances to protect petitioners' interests and to avoid undue delay in a proceeding, if an applicant submits a request for waiver which demonstrates that the service requirement is unreasonably burdensome.

(f) Any amendment to an application shall be signed and shall be submitted in the same manner, and with the same number of copies, as was the original application. Amendments may be made in letter form if they comply in all other respects with the requirements of this chapter.

(g) An application will be considered to be a newly filed application if it is amended by a major amendment (as defined in this section), except in the following circumstances:

(1) The amendment reflects only a change in ownership or control found by the Commission to be in the public interest; or

(2) The amendment corrects typographical transcription, or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts.

§ 27.314 Application for temporary authorizations.

In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority (STA) to operate new or modified equipment. Such requests may be submitted as informal applications (see § 22.105 of this chapter) and must contain complete details about the proposed operation and the circumstances that fully justify and necessitate the grant of STA. Such requests should be filed in time to be received by the FCC at least 10 days prior to the date of proposed operation or, where an extension is sought, 10 days prior to the expiration date of the existing STA. Requests received less

than 10 days prior to the desired date of operation may be given expedited consideration only if compelling reasons are given, in writing, for the delay in submitting the request. Otherwise, such late-filed requests are considered in turn, but action might not be taken prior to the desired date of operation. Requests for STAs must be accompanied by the proper filing fee.

(a) *Grant without Public Notice.* STAs may be granted without being listed in a Public Notice, or prior to 30 days after such listing, if:

(1) The STA is to be valid for 30 days or less and the applicant does not plan to file an application for regular authorization of the subject operation;

(2) The STA is to be valid for 60 days or less, pending the filing of an application for regular authorization of the subject operation;

(3) The STA is to allow interim operation to facilitate completion of authorized construction or to provide substantially the same service as previously authorized; or

(4) The STA is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(b) *Limit on STA term.* The FCC may grant STAs valid for a period not to exceed 180 days under the provisions of section 309(f) of the Communications Act of 1934, as amended, (47 U.S.C. section 309(f)) if extraordinary circumstances so require, and pending the filing of an application for regular operation. The FCC may grant extensions of STAs for a period of 180 days, but the applicant must show that extraordinary circumstances warrant such an extension.

§ 27.315 Receipt of application; applications in the Wireless Communications Service filed on FCC Form 175 and other applications in the WCS Service.

(a) All applications for WCS filed pursuant to § 27.304 are given a file number. The assignment of a file number to an application is merely for administrative convenience and does not indicate the acceptance of the application for filing and processing. Such assignment of a file number will not preclude the subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules.

(b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review as to completeness. Such acceptance will not preclude the subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules.

§ 27.316 Public notice period.

(a) At regular intervals, the Commission may issue a public notice listing:

(1) The acceptance for filing of all applications and major amendments thereto;

(2) Significant Commission actions concerning applications listed as acceptable for filing;

(3) Information which the Commission in its discretion believes of public significance. Such notices are solely for the purpose of informing the public and do not create any rights in an applicant or any other person; or

(4) Special environmental considerations as required by part 1 of this chapter.

(b) The Commission will not grant any application until expiration of a period of seven (7) days following the issuance date of a public notice listing the application, or any major amendments thereto, as acceptable for filing. Provided, that the Commission will not grant an application filed on Form 600 filed either by a winning bidder or by an applicant whose Form 175 application is not mutually exclusive with other applicants, until the expiration of a period of forty (40) days following the issuance of a public notice listing the application, or any major amendments thereto, as acceptable for filing. See also § 27.207.

(c) As an exception to paragraphs (a)(1), (a)(2) and (b) of this section, the public notice provisions are not applicable to applications:

(1) For authorization of a minor technical change in the facilities of an authorized station where such a change would not be classified as a major amendment (as defined by § 27.313) were such a change to be submitted as an amendment to a pending application;

(2) For issuance of a license subsequent to a radio station authorization or, pending application for a grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license;

(3) For temporary authorization pursuant to § 27.314;

(4) For an authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934 (47 U.S.C. section 308(a));

(5) For consent to an involuntary assignment or transfer of control of a radio authorization; or

(6) For consent to a voluntary assignment or transfer of control of a radio authorization, where the assignment or transfer does not involve a substantial change in ownership or control.

§ 27.317 Dismissal and return of applications.

(a) Any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to designation for hearing or, in the case of applications filed on Forms 175 and 175–S, prior to auction. An applicant's request for the return of his application after it has been accepted for filing will be considered to be a request for dismissal without prejudice. Applicants requesting dismissal of their applications are also subject to § 27.203.

(b) A request to dismiss an application without prejudice will be considered after designation for hearing only if:

(1) A written petition is submitted to the Commission and is properly served upon all parties of record; and

(2) The petition complies with the provisions of this section and demonstrates good cause.

(c) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal shall be without prejudice if made prior to designation for hearing or prior to auction, but dismissal may be made with prejudice for unsatisfactory compliance or after designation for hearing or after the applicant is notified that it is the winning bidder under the auction process.

§ 27.319 Ownership changes and agreements to amend or to dismiss applications or pleadings.

(a) Applicability. Subject to the provisions of § 27.204 (Bidding Application and Certification Procedures; Prohibition of Collusion), this section applies to applicants and all other parties interested in pending applications who wish to resolve contested matters among themselves with a formal or an informal agreement or understanding. This section applies only when the agreement or understanding will result in:

(1) A major change in the ownership of an applicant to which §§ 27.313(c) and 27.313(g) apply or which would cause the applicant to lose its status as a designated entity under § 27.210(b), or

(2) The individual or mutual withdrawal, amendment or dismissal of any pending application, amendment, petition or other pleading.

(b) The provisions of § 27.207 will apply in the event of the filing of petitions to deny or other pleadings or informal objections filed against WCS applications. The provisions of § 27.317 will apply in the event of dismissal of WCS applications.

§ 27.320 Opposition to applications.

(a) Petitions to deny (including petitions for other forms of relief) and responsive pleadings for Commission consideration must comply with § 27.207 and must:

(1) Identify the application or applications (including applicant's name, station location, Commission file numbers and radio service involved) with which it is concerned;

(2) Be filed in accordance with the pleading limitations, filing periods, and other applicable provisions of §§ 1.41 through 1.52 of this chapter except where otherwise provided in § 27.207;

(3) Contain specific allegations of fact which, except for facts of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof, and which shall be sufficient to demonstrate that the petitioner (or respondent) is a party in interest and that a grant of, or other Commission action regarding, the application would be prima facie inconsistent with the public interest;

(4) Be filed within five (5) days after the date of public notice announcing the acceptance for filing of any such application or major amendment thereto (unless the Commission otherwise extends the filing deadline); and

(5) Contain a certificate of service showing that it has been hand delivered to the applicant no later than the date of filing thereof with the Commission.

(b) A petition to deny a major amendment to a previously filed application may only raise matters directly related to the amendment which could not have been raised in connection with the underlying, previously filed application. This does not apply to petitioners who gain standing because of the major amendment.

(c) Parties who file frivolous petitions to deny may be subject to sanctions including monetary forfeitures, license revocation, if they are FCC licensees, and may be prohibited from participating in future auctions.

§ 27.321 Mutually exclusive applications.

(a) Two or more pending applications are mutually exclusive if the grant of one application would effectively preclude the grant of one or more of the others under the Commission's rules governing the Wireless Communications Services involved. The Commission uses the general procedures in this section for processing mutually exclusive applications in the Wireless Communications Services.

(b) An application will be entitled to comparative consideration with one or more conflicting applications only if the Commission determines that such comparative consideration will serve the public interest.

§ 27.322 Consideration of applications.

(a) Applications for an instrument of authorization will be granted if, upon examination of the application and upon consideration of such other matters as it may officially notice, the Commission finds that the grant will serve the public interest, convenience, and necessity. See also § 1.2108 of this chapter.

(b) The grant shall be without a formal hearing if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission finds that:

(1) The application is acceptable for filing, and is in accordance with the Commission's rules, regulations, and other requirements;

(2) The application is not subject to a post-auction hearing or to comparative consideration pursuant to § 27.322 with another application(s);

(3) The applicant certifies that the operation of the proposed facility would not cause harmful electromagnetic interference to another authorized station;

(4) There are no substantial and material questions of fact presented; and

(5) The applicant is qualified under current FCC regulations and policies.

(c) If the Commission should grant without a formal hearing an application for an instrument of authorization which is subject to a petition to deny filed in accordance with § 27.319, the Commission will deny the petition by the issuance of a concise statement for the reason(s) for the denial and dispose of all substantial issues raised by the petition.

(d) Whenever the Commission, without a formal hearing, grants any application in part, or subject to any terms or conditions other than those normally applied to applications of the same type, it shall inform the applicant of the reasons therefor, and the grant shall be considered final unless the Commission should revise its action (either by granting the application as originally requested, or by designating the application for a formal evidentiary hearing) in response to a petition for reconsideration which:

(1) Is filed by the applicant within thirty (30) days from the date of the letter or order giving the reasons for the partial or conditioned grant;

(2) Rejects the grant as made and explains the reasons why the application should be granted as originally requested; and,

(3) Returns the instrument of authorization.

(e) The Commission will designate an application for a formal hearing, specifying with particularity the matters and things in issue, if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission determines that:

(1) A substantial and material question of fact is presented (see also section 1.2108 of this chapter);

(2) The Commission is unable for any reason to make the findings specified in paragraph (a) of this section and the application is acceptable for filing, complete, and in accordance with the Commission's rules, regulations, and other requirements; or

(3) The application is entitled to concurrent consideration (under section 27.321) with another application (or applications).

(f) The Commission may grant, deny or take other action with respect to an application designated for a formal hearing pursuant to paragraph (e) of this section or part 1 of this chapter.

(g) Reconsideration or review of any final action taken by the Commission will be in accordance with part 1, subpart A of this chapter.

§ 27.323 [Reserved]

§ 27.324 Transfer of control or assignment of station authorization.

(a) Authorizations shall be transferred or assigned to another party, voluntarily (for example, by contract) or involuntarily (for example, by death, bankruptcy, or legal disability), directly or indirectly or by transfer of control of any corporation holding such authorization, only upon application and approval by the Commission. A transfer of control or assignment of station authorization in the Wireless Communications Service is also subject to section 27.209.

(1) A change from less than 50% ownership to 50% or more ownership shall always be considered a transfer of control.

(2) In other situations a controlling interest shall be determined on a case-

by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships.

(b) Form required:

(1) Assignment.

(i) FCC Form 490 shall be filed to assign a license or permit.

(ii) In the case of involuntary assignment, FCC Form 490 shall be filed within 30 days of the event causing the assignment.

(2) Transfer of control.

(i) FCC Form 490 shall be submitted in order to transfer control of a corporation holding a license or permit.

(ii) In the case of involuntary transfer of control, FCC Form 490 shall be filed within 30 days of the event causing the transfer.

(3) Notification of completion. The Commission shall be notified by letter of the date of completion of the assignment or transfer of control.

(4) If the transfer of control of a license is approved, the new licensee is held to the original renewal requirement of § 27.14.

(c) In acting upon applications for transfer of control or assignment, the Commission will not consider whether the public interest, convenience, and necessity might be served by the transfer or assignment of the authorization to a person other than the proposed transferee or assignee.

(d) Applicants seeking to transfer their licenses within three years after the initial license grant date are required to file, together with their transfer application, the associated contracts for sale, option agreements, management agreements, and all other documents disclosing the total consideration to be received in return for the transfer of the license.

(e) Partial assignment of authorization. If the authorization for some, but not all, of the facilities of a Wireless Communications Service station is assigned to another party, voluntarily or involuntarily, such action is a partial assignment of authorization.

(f) To request FCC approval of a partial assignment of authorization, the following must be filed in addition to the forms required by paragraph (b) of this section:

(g) The assignee must apply for authority (FCC Form 600) to operate a new station including the facilities for which authorization is assigned, or to modify the assignee's existing station to include the facilities for which authorization was assigned.

§ 27.325 Termination of authorization.

(a) All authorizations shall terminate on the date specified on the authorization, unless a timely application for renewal has been filed.

(b) If no application for renewal has been made before the authorization's expiration date, a late application for renewal will only be considered if it is filed within 30 days of the expiration date and shows that the failure to file a timely application was due to causes beyond the applicant's control. Service to subscribers need not be suspended while a late filed renewal application is pending, but such service shall be without prejudice to Commission action on the renewal application and any related sanctions. See also § 27.14 (Criteria for Comparative Renewal Proceedings).

(c) Special Temporary Authority. A special temporary authorization shall automatically terminate upon failure to comply with the conditions in the authorization.

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. Section 97.303(j) is revised to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(j) In the 13 cm band:

(1) The amateur service is allocated on a secondary basis in all ITU Regions. In ITU Region 1, no amateur station shall cause harmful interference to, and shall be not protected from interference due to the operation of, stations authorized by other nations in the fixed and mobile services. In ITU Regions 2 and 3, no amateur station shall cause harmful interference to, and shall not be protected from interference due to the operation of, stations authorized by other nations in the fixed, mobile and radiolocation services.

(2) In the United States:

(i) The 2300–2305 MHz segment is allocated to the amateur service on a secondary basis. (Currently the 2300–2305 MHz segment is not allocated to any service on a primary basis.);

(ii) The 2305–2310 MHz segment is allocated to the amateur service on a secondary basis to the fixed, mobile, and radiolocation services;

(iii) The 2390–2400 MHz segment is allocated to the amateur service on a primary basis; and

(iv) The 2400–2402 MHz segment is allocated to the amateur service on a secondary basis. (Currently the 2400–2402 MHz segment is not allocated to any service on a primary basis.) The 2402–2417 MHz segment is allocated to the amateur service on a primary basis. The 2417–2450 MHz segment is allocated to the amateur service on a co-secondary basis with the Government radiolocation service. Amateur stations operating within the 2400–2450 MHz segment must accept harmful interference that may be caused by the proper operation of industrial, scientific, and medical devices operating within the band.

[FR Doc. 97–5128 Filed 2–28–97; 8:45 am]

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Federal Register

Monday
March 3, 1997

Part IV

The President

Proclamation 6974—Irish-American Heritage Month, 1997

Federal Register
Vol. 62, No. 41
Monday, March 3, 1997

Presidential Documents

Title 3—

The President

Proclamation 6974 of February 27, 1997

Irish-American Heritage Month, 1997

By the President of the United States of America

A Proclamation

Throughout the history of the United States, from the founding of our republic to the modern spread of our cultural influence around the globe, American life has been enriched continuously by the contributions of Irish Americans.

Although thousands of immigrants from Ireland had already come to America before the signing of the Declaration of Independence, the largest number emigrated from their homeland in the middle of the 19th century, when devastating famine overtook their native Ireland. Many moved into our cities, where their hard work helped American industries, their political skills energized local government, and their culture added richness to urban neighborhoods. Others, freshly arrived from Cork, Kilkenny, or Belfast, kept moving all the way to the American West. Wherever they went, they added their muscle to the building of our railroads, bridges, tunnels, and canals, and they applied their minds to the shaping of American law and letters. And their values were exemplified by a firm confidence in education, a dedication to the work ethic, and a deep belief in God.

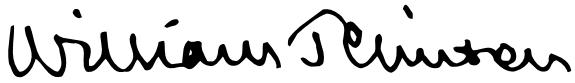
America offered these new citizens abundant opportunities and the freedom to exercise their talents in a country that was still less than 100 years old. In return, Ireland added immensely to the American national character. This month, when communities all across the Nation celebrate St. Patrick's Day, we honor the millions of Americans who trace their lineage to Ireland.

Our country has been blessed by the rich legacy of famous Americans whose ancestors emigrated to our shores from Ireland. Georgia O'Keefe, Edgar Allen Poe, and F. Scott Fitzgerald are just a few among the many whose talents have graced the arts. Andrew Mellon and Henry Ford excelled in business and finance. Will Rogers, Spencer Tracy, Bing Crosby, and John Wayne have entertained us. Pierce Butler signed the Constitution, General Douglas MacArthur led the Allied Forces in the Pacific during World War II, and Sandra Day O'Connor became the first woman to sit on our Supreme Court.

But let us not forget the sacrifices, dedication, and profound achievements of the thousands of less well-known Irish Americans who have labored to make the United States a country of which we all can be proud. They were—and continue to be—motivated by their deep commitment and fervent loyalty to family, friends, community, and country. This month we honor them and thank them for their efforts.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 1997 as Irish-American Heritage Month. I call upon all the people of the United States to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord nineteen hundred and ninety-seven, and of the Independence of the United States of America the two hundred and twenty-first.



[FR Doc. 97–5351
Filed 2–28–97; 10:54 am]
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FEDERAL REGISTER PAGES AND DATES, MARCH

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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.

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Utah; comments due by 3-10-97; published 1-27-97

CFR CHECKLIST

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●190–259	(869–028–00152–1)	22.00	July 1, 1996
●260–299	(869–028–00153–0)	53.00	July 1, 1996
●300–399	(869–028–00154–8)	28.00	July 1, 1996
●400–424	(869–028–00155–6)	33.00	July 1, 1996
●425–699	(869–028–00156–4)	38.00	July 1, 1996
●700–789	(869–028–00157–2)	33.00	July 1, 1996
●790–End	(869–028–00158–7)	19.00	July 1, 1996
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–028–00159–9)	12.00	July 1, 1996
101	(869–028–00160–2)	36.00	July 1, 1996
102–200	(869–028–00161–1)	17.00	July 1, 1996
201–End	(869–028–00162–9)	17.00	July 1, 1996
42 Parts:			
●1–399	(869–028–00163–7)	32.00	Oct. 1, 1996
●400–429	(869–028–00164–5)	34.00	Oct. 1, 1996
●430–End	(869–028–00165–3)	44.00	Oct. 1, 1996
43 Parts:			
●1–999	(869–028–00166–1)	30.00	Oct. 1, 1996
●1000–end	(869–028–00167–0)	45.00	Oct. 1, 1996
●**44**	(869–028–00168–8)	31.00	Oct. 1, 1996
45 Parts:			
●1–199	(869–028–00169–6)	28.00	Oct. 1, 1996
200–499	(869–028–00170–0)	14.00	[6] Oct. 1, 1995
●500–1199	(869–028–00171–8)	30.00	Oct. 1, 1996
●1200–End	(869–026–00173–1)	26.00	Oct. 1, 1995
46 Parts:			
●1–40	(869–028–00173–4)	26.00	Oct. 1, 1996
●41–69	(869–028–00174–2)	21.00	Oct. 1, 1996
●70–89	(869–028–00175–1)	11.00	Oct. 1, 1996
●90–139	(869–028–00176–9)	26.00	Oct. 1, 1996
●140–155	(869–028–00177–7)	15.00	Oct. 1, 1996
*156–165	(869–028–00178–5)	20.00	Oct. 1, 1996
●166–199	(869–028–00179–3)	22.00	Oct. 1, 1996
●200–499	(869–028–00180–7)	21.00	Oct. 1, 1996
●500–End	(869–028–00181–5)	17.00	Oct. 1, 1996
47 Parts:			
●0–19	(869–028–00182–3)	35.00	Oct. 1, 1996
●20–39	(869–026–00184–7)	21.00	Oct. 1, 1995
●40–69	(869–026–00185–5)	14.00	Oct. 1, 1995
●70–79	(869–028–00185–8)	33.00	Oct. 1, 1996
●80–End	(869–028–00186–6)	39.00	Oct. 1, 1996
48 Chapters:			
●1 (Parts 1–51)	(869–028–00187–4)	45.00	Oct. 1, 1996
*●1 (Parts 52–99)	(869–028–00188–2)	29.00	Oct. 1, 1996
●2 (Parts 201–251)	(869–028–00189–1)	22.00	Oct. 1, 1996
2 (Parts 252–299)	(869–028–00190–4)	16.00	Oct. 1, 1996
●3–6	(869–026–00192–8)	23.00	Oct. 1, 1995
●7–14	(869–028–00192–1)	29.00	Oct. 1, 1996
15–28	(869–028–00193–9)	38.00	Oct. 1, 1996
29–End	(869–028–00194–7)	25.00	Oct. 1, 1996
49 Parts:			
●1–99	(869–028–00195–5)	32.00	Oct. 1, 1996
●100–177	(869–026–00197–9)	34.00	Oct. 1, 1995
●186–199	(869–028–00197–1)	14.00	Oct. 1, 1996
200–399	(869–028–00198–0)	39.00	Oct. 1, 1996
●400–999	(869–026–00200–2)	40.00	Oct. 1, 1995
●1000–1199	(869–028–00200–5)	23.00	Oct. 1, 1996
●1200–End	(869–028–00201–3)	15.00	Oct. 1, 1996

Title	Stock Number	Price	Revision Date
50 Parts:			
●1–199	(869–026–00203–7)	26.00	Oct. 1, 1995
*●200–599	(869–028–00203–0)	22.00	Oct. 1, 1996
*●600–End	(869–028–00204–8)	26.00	Oct. 1, 1996
CFR Index and Findings Aids	(869–028–00051–7)	35.00	Jan. 1, 1996
Complete 1997 CFR set		951.00	1997
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1997
Individual copies		1.00	1997
Complete set (one-time mailing)		264.00	1996
Complete set (one-time mailing)		264.00	1995

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1996. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1996. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments were promulgated during the period October 1, 1995 to September 30, 1996. The CFR volume issued October 1, 1995 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 1997

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 3	March 18	April 2	April 17	May 2	June 2
March 4	March 19	April 3	April 18	May 5	June 2
March 5	March 20	April 4	April 21	May 5	June 3
March 6	March 21	April 7	April 21	May 5	June 4
March 7	March 24	April 7	April 21	May 6	June 5
March 10	March 25	April 9	April 24	May 9	June 9
March 11	March 26	April 10	April 25	May 12	June 9
March 12	March 27	April 11	April 28	May 12	June 10
March 13	March 28	April 14	April 28	May 12	June 11
March 14	March 31	April 14	April 28	May 13	June 12
March 17	April 1	April 16	May 1	May 16	June 16
March 18	April 2	April 17	May 2	May 19	June 16
March 19	April 3	April 18	May 5	May 19	June 17
March 20	April 4	April 21	May 5	May 19	June 18
March 21	April 7	April 21	May 5	May 20	June 19
March 24	April 8	April 23	May 8	May 23	June 23
March 25	April 9	April 24	May 9	May 27	June 23
March 26	April 10	April 25	May 12	May 27	June 24
March 27	April 11	April 28	May 12	May 27	June 25
March 28	April 14	April 28	May 12	May 27	June 26
March 31	April 15	April 30	May 15	May 30	June 30