6–24–97
Vol. 62 No. 121
Pages 33971–34156

federal register

Tuesday
June 24, 1997

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 900

RIN 3206–AH90

Intergovernmental Personnel Act Programs; Standards for a Merit System of Personnel Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is revising the regulations on the Standards for a Merit System of Personnel Administration. The revision reflects changes and revisions in laws or regulations that require State and local governments to establish and maintain merit systems of personnel administration. Specifically, the revised regulations eliminate any implied individual right of appeal to OPM, eliminate obsolete references to the Federal Personnel Manual, and provide a current list of covered programs.

EFFECTIVE DATE: July 24, 1997.

FOR FURTHER INFORMATION CONTACT: Gary L. Smith, 202–606–2980, FAX 202–606–2663.

SUPPLEMENTARY INFORMATION: Section 900.606 of Subpart F, Standards for a Merit System of Personnel Administration, provided for publication of procedures implementing merit requirements in the Federal Personnel Manual (FPM). No procedures were ever issued under the FPM system which was abolished December 31, 1993. The section was unnecessary and is being withdrawn to be consistent with the sunset of the FPM. Appendix A is being revised to reflect changes in laws and regulations that have occurred since 1983 when the list of pertinent laws and regulations was last revised.

Our 1983 revisions (48 FR 9209) to these regulations promoted flexibility and innovation at the State and local levels by eliminating standardized, detailed requirements. These new revisions continue that emphasis, and are consistent with the Intergovernmental Personnel Act's requirement to minimize Federal intervention in State and local government personnel administration. Consequently, we are modifying regulations at 5 CFR 900.604(b)(3) that require the Chief Executive to resolve compliance issues ''to the satisfaction of the Office of Personnel Management.'' We are doing this for two reasons. First, OPM has no independent authority to adjudicate individual complaints. The Act restricts OPM from exercising ''authority, direction or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee.'' Second, the respective statutes which require State or local governments to establish merit systems do so pursuant to proper and efficient grants administration. We believe that issues of merit systems compliance should be raised and addressed in the context of State or local government performance in grants administration, and that this is appropriately done by or under the direction of the Federal grantor agency. Therefore, OPM's policy will be to accept allegations of non-compliance with the standards only from grantor agencies. As required by the Act, OPM will continue to provide, when requested, interpretation, advice, and technical assistance when such issues arise.

During the review and comment period following publication of these proposed regulations at 62 FR 4940, OPM received two comments from grantor agencies. One comment expressed agreement with the proposed changes to the regulations. The other comment recommended further revisions to Appendix A for recent legislation that will become effective on July 1, 1997. Those recommended revisions were incorporated into this final rule. No comments were received from individuals, organizations, or state and local governments.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements on State or local governments.

List of Subjects in 5 CFR Part 900

Administrative practice and procedure, Civil rights, Government employees, Individuals with disabilities, Intergovernmental relations.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending part 900 of title 5, Code of Federal Regulations, as follows:

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

1. The authority citation for part 900, subpart F, continues to read as follows:

Authority: 42 U.S.C. 4728, 4763; E.O. 11589, 3 CFR part 557 (1971–1975 Compilation).

2. In Subpart F § 900.604, paragraphs (b)(3) and (b)(4) are revised to read as follows:

§ 900.604 Compliance.

* * * * *

(b) * * *

(3) When a chief executive requests the assistance of the Office of Personnel Management, the Office will provide consultation and technical advice to aid the State or local government in complying with the Standards.

(4) The Office of Personnel Management will advise Federal agencies on application of the Standards in resolving compliance issues and will recommend actions to carry out the purposes of the Intergovernmental Personnel Act. Questions regarding interpretation of the Standards will be referred to the Office of Personnel Management.

§ 900.606 [Removed]

3. Section 900.606 is removed.

4. Appendix A to Subpart F is revised to read as follows:

Appendix A to Subpart F—Standards for a Merit System of Personnel Administration

Part I: The following programs have a statutory requirement for the establishment and maintenance of personnel standards on a merit basis.

Program, Legislation, and Statutory Reference

Food Stamp, Food Stamp Act of 1977, as amended; 7 U.S.C. 2020(e)(6)(B).

Employment Security (Unemployment Insurance and Employment Services), Social Security Act (Title III), as amended by the Social Security Act Amendments of 1939, Section 301, on August 10, 1939, and the Wagner-Peyser Act, as amended by Pub. L. 81–775, section 2, on September 8, 1950; 42 U.S.C. 503(a)(1) and 29 U.S.C. 49d(b).

Grants to States for Old-Age Assistance for the Aged (Title I of the Social Security Act); 42 U.S.C. 302(a)(5)(A).[1]

Aid to Families with Dependent Children, (Title IV–A of the Social Security Act); 42 U.S.C. 602(a)(5).[2]

Grants to States for Aid to the Blind, (Title X of the Social Security Act); 42 U.S.C. 1202(a)(5)(A).[1]

Grants to States for Aid to the Permanently and Totally Disabled, (Title XIV of the Social Security Act); 42 U.S.C. 1352(a)(5)(A).[1]

Grants to States for Aid to the Aged, Blind or Disabled. (Title XVI of the Social Security Act); 42 U.S.C. 1382(a)(5)(A).[1]

Medical Assistance (Medicaid), Social Security Act (Title XIX), as amended, section 1902 (a)(4)(A); 42 U.S.C. 1396(a)(4)(A).

State and Community Programs on Aging (Older Americans), Older Americans Act of 1965 (Title III), as amended by the Comprehensive Older Americans Act Amendments of 1976, section 307 on October 18, 1978; 42 U.S.C. 3027(a)(4).

Federal Payments for Foster Care and Adoption Assistance, (Title IV–E of the Social Security Act); 42 U.S.C. 671(a)(5).

Part II: The following programs have a regulatory requirement for the establishment and maintenance of personnel standards on a merit basis.

Program, Legislation, and Regulatory Reference

Occupational Safety and Health Standards, Williams-Steiger Occupational Safety and Health Act of 1970; Occupational Safety and Health State Plans for the Development and Enforcement of State Standards; Department of Labor, 29 CFR 1902.3(h).

Occupational Safety and Health Statistics, Williams-Steiger Occupational Safety and Health Act of 1970; BLS Grant Application Kit, May 1, 1973, Supplemental Assurance No. 15A.

Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5196b), as amended; 44 CFR 302.4.

[FR Doc. 97–16425 Filed 6–23–97; 8:45 am]

BILLING CODE 6325–01–M

[1] Public Law 92–603 repealed Titles I, X, XIV and XVI of the Social Security Act effective January 1, 1974, except that ''such repeal does not apply to Puerto Rico, Guam, and the Virgin Islands.''

[2] Public Law 104–193 repealed the Aid to Families with Dependent Children program effective July 1, 1997.

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2634

RIN 3209–AA00

Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is amending the regulation governing confidential financial disclosure for executive branch employees, to update the standardized confidential disclosure report form's designation as OGE Form 450, which is replacing the Standard Form (SF) 450; and to provide authority for all executive branch agencies to adopt and use a standardized certificate of no new interests (OGE Optional Form 450–A) as an alternative procedure in lieu of OGE Form 450, for regular employee annual confidential disclosure filers who can make the required certifications.

EFFECTIVE DATE: July 24, 1997.

FOR FURTHER INFORMATION CONTACT: G. Sid Smith, Associate General Counsel, Office of Government Ethics; telephone: 202–208–8000; TDD: 202–208–8025; FAX: 202–208–8037.

SUPPLEMENTARY INFORMATION:

I. Background

On January 15, 1997, the Office of Government Ethics (OGE) published a proposed amendment to the confidential financial disclosure regulation for the executive branch, to modify 5 CFR 2634.601 and 2634.905. See 62 FR 2048–2052. Five departments and agencies submitted written comments that suggested modifications to the proposed amendment, and two submitted letters concurring in the amendment as proposed. After considering those comments, as discussed below, OGE has made some clarifying and corrective changes to the rule as proposed and to the draft OGE Optional Form 450–A, in adopting them as final. We are publishing the amended proposal herewith as a final rule, effective July 24, 1997.

The amendment to 5 CFR 2634.601 reflects the standardized confidential disclosure form's revision and redesignation in 1996 as OGE Form 450. A camera-ready copy of that form was distributed by OGE on February 27, 1996, to all designated agency ethics officials, for local copying and gradual phase-in as a replacement for the Standard Form (SF) 450. As indicated in the proposed rule, Paperwork Reduction Act clearance for the outdated SF 450 will expire on August 31, 1997, after which that form is no longer usable. This amended section also references the new OGE Optional Form 450–A which the amendment to § 2634.905 authorizes, as discussed below.

The amendment to 5 CFR 2634.905 exercises OGE's authority under current § 2634.905(c) of the regulation to approve, in writing, alternative procedures for confidential disclosure, which in this instance is being accomplished through the regulatory process with a new § 2634.905(d). That new subsection authorizes all executive branch agencies to permit the use of a standardized certificate of no new interests as an alternative procedure in lieu of filing OGE Form 450, for annual confidential disclosure filers (other than special Government employees) who can make the required certifications and who choose to use this method. That standardized certificate has been designated as OGE Optional Form 450–A. Users must certify that they (and their spouse and dependent children) have acquired no new reportable financial interests since filing their most recent previous OGE Form 450 (which they must first reexamine), and that they have not changed jobs (no new position description or other significant change in duties) at their agency since filing that previous report.

A form similar to the new OGE Optional Form 450–A was tested by a Cabinet-level department in 1995, which yielded highly favorable results. Following that test, OGE obtained comments from ethics officials throughout the executive branch by means of a written survey and a focus group. The general consensus of opinions expressed through these information-gathering efforts established the basis for the new OGE Optional Form 450–A and the procedures for its use, as outlined in this regulatory amendment. For those agencies that decide to permit filers to use OGE Optional Form 450–A, this alternative to an annual OGE Form 450 should help ease the administrative burden for both filers and ethics officials, while preserving general uniformity and

continuing to guard against conflicts of interest.

II. Analysis of Comments to the Proposed Amendments

Only five departments and agencies (hereinafter referred to generally as agencies) submitted written comments that suggested modifications to the proposed amendment, while two additional letters concurred in the amendment as proposed. The following discussion concerns the five letters which offered substantive comments.

Section 2634.601

One agency asked that it be allowed to continue using the outdated Standard Form (SF) 450, as it still has a large supply of those forms. We are unable to satisfy that request. First, OGE placed all designated agency ethics officials on notice that the old form would gradually be phased out (possibly as early as the fall of 1996), when we distributed for immediate use a camera-ready copy of the new form in a memorandum dated February 27, 1996. That advisory and a subsequent reminder memorandum of June 17, 1996, did suggest that the old SF 450 could continue to be used until supplies were depleted, unless otherwise advised. However, those memoranda also encouraged agencies to begin anticipating their needs and making arrangements for local copying of the new OGE Form 450 in time for the October 1996 filing cycle, which occurred more than six months ago.

Second, the proposed regulatory amendment of January 15, 1997, put ethics officials on notice that Paperwork Reduction Act clearance for the SF 450 would finally expire at the end of August 1997. Third, the SF 450 is no longer considered to be an adequate format, as it is not fully up-to-date regarding certain disclosure requirements, and therefore OGE has not sought a further extension of Paperwork Reduction Act clearance for it from the Office of Management and Budget. For example, the SF 450 does not reflect a 1993 amendment to the confidential disclosure regulation eliminating the requirement to disclose bank accounts, money market funds and accounts, and U.S. Government obligations and securities. The old form also forces filers to determine whether certain mutual funds and pensions are ''excepted investment funds,'' which is no longer required of confidential filers. While OGE has instructed agencies to advise their filers of these changes, that has only served as a temporary stopgap measure. Furthermore, the SF 450 does not contain the improved instructional guidance that the new OGE Form 450 offers. For all these reasons, we have retained in this final rule the parenthetical reference that the old SF 450 remains usable only until August 31, 1997. After that date, the OGE Form 450 must be used by confidential filers.

One agency asked that the final rule clarify whether the new certificate of no new interests (OGE Optional Form 450–A) could be used during the fall 1997 confidential disclosure filing cycle. We have made no change to the proposed rule on that question, as it will be clear from the rule's effective date, July 24, 1997, that it is usable in 1997. We will also notify ethics officials of that effective date by separate memorandum, to be issued contemporaneously with the publication of this rule in the **Federal Register**. Of course, prior to permitting the use of OGE Optional Form 450–A for some or all of its eligible confidential filers, an agency head or designee must make the determination required by new § 2634.905(d) that this certificate is adequate to prevent possible conflicts of interest, under the agency's particular circumstances. Agencies should accomplish this through their own established procedures, without consulting OGE. (If, however, an agency wishes to deviate from the prescribed methodology or format for OGE Optional Form 450–A, it must seek separate written OGE approval, pursuant to § 2634.905(c), with appropriate justification. Other formats may also require clearance under the Paperwork Reduction Act from the Office of Management and Budget.)

Section 2634.905

Two agencies suggested that the regulation should require users of the certificate of no new interests to attach their previous OGE Form 450, as a basis for a full conflicts review by the agency and to inform new supervisors, or as an aid in tracking when filers would be required to submit a new complete OGE Form 450. On the latter point, this amendment was constructed so that agencies will not have to track each individual filer's history to determine when the allowable period of time has passed between OGE Form 450 filings. Instead, all confidential disclosure filers must use the OGE Form 450 every fourth year (or every third or second year, if the agency chooses to use those options), on a uniform basis. The preamble to the proposed amendment discussed this, but for further clarification, we have added a reference in § 2634.905(d)(4) of the final rule to § 2634.905(d)(5), which specifies the uniform periodic filing of OGE Form 450.

Concerning the other comment on how to effectively review a filer's holdings and how to inform new supervisors of those holdings without the previously filed OGE Form 450, we note that the certificate will be a partial update of an OGE Form 450 that has already been reviewed with respect to the filer's current duties and kept on file by the agency, as discussed in the preamble to the proposed rule. In most cases, there will be no need for the agency to re-review the previous OGE Form 450. Any recusals or work assignment screening mechanisms should already have been established and undertaken, based on the original review of that earlier OGE Form 450. Furthermore, by not requiring certificate users to attach their previous OGE Form 450, the rule best advances the fundamental purposes for creating the certificate: to reduce paperwork and to simplify procedures for both filers and ethics officials. The amendment still allows an individual agency to require that its certificate users attach a copy of their previous OGE Form 450, if the agency determines that the previous form should be reexamined by supervisors or other agency reviewers. Note, however, that only the agency's official copy which is maintained in its files will necessarily reflect changes made during the agency review process, along with any steps undertaken to resolve potential conflicts. Therefore, the filer's personal copy will not always be an accurate or reliable indicator of the previously filed OGE Form 450, as reviewed. Based on all these considerations, OGE has not altered the proposed rule to accommodate this request, and will leave any requirement for certificate users to attach their previous OGE Form 450 up to each individual agency.

Even though not required to attach their previous OGE Form 450, users of OGE Optional Form 450–A must first verify that they have reexamined their most recent previous OGE Form 450 before certifying that they have no new interests to report. Two agencies commented that it should be the responsibility of individual filers to retain copies of their prior OGE Form 450s for this purpose, so that they do not unnecessarily burden the agency with requests for copies. As noted in the preamble to the proposed rule, filers should be encouraged to retain copies of their previous filings, so that an agency's ethics office does not become overburdened with providing them copies. We have added a sentence to § 2634.905(d)(6) as a permanent reminder. The final rule does not,

however, require filers to retain their prior OGE Form 450 as a condition of their using the new OGE Optional Form 450–A. If an agency is unable to convince filers to retain such records and believes that this creates an administrative burden, then that agency may decide, as suggested in the preamble to the proposed rule, not to adopt this new alternative procedure, because administrative time-saving would not be realized. Agencies might also want to delay implementation of this alternative procedure, which would provide a base year for filers to retain a copy of their OGE Form 450.

Three agencies suggested that the certificate of no new interests be transformed into a certificate of no change. For the reasons discussed in the preamble to the proposed rule, OGE has not done that. As the preamble noted, it was a certificate of no new interests that had been tested at a Cabinet-level department and subsequently favored by 84% of the respondents to OGE's survey, rather than a certificate of no change (no new interests and no divestitures). A certificate of no new interests will permit a greater number of filers to use this alternative to the OGE Form 450. If an agency is concerned that filers may be unnecessarily recusing themselves from matters where they no longer hold a conflicting financial interest, it may want to have supervisors periodically revalidate with employees the continued need for any existing recusals, as a separate matter. If that is not practical, an agency may elect not to adopt this alternative procedure, and instead to continue requiring a new OGE Form 450 each year. Or it could seek written approval from OGE for some other alternative, pursuant to § 2634.905(c), with appropriate justification. (Other formats may also require clearance under the Paperwork Reduction Act from the Office of Management and Budget.)

Two agencies suggested that, instead of a separate form to be submitted as a certificate of no new interests, we should amend OGE Form 450 to include a space for periodic certification by filers, or that we should permit filers to stamp or annotate a certification on the current OGE Form 450. While those are useful suggestions which could help reduce paper and administration, and which might be less confusing for some filers, we have decided to retain the proposed method of filing a separate certificate. Switching to the method suggested by those two commenters on an executive branchwide basis would require OGE to publish a new proposed rule in the **Federal Register** and to seek additional clearance under the Paperwork Reduction Act for an altered OGE Form 450. Our existing proposal for a separate certificate of no new interests has already been pending or under development for almost two years, and the new OGE Form 450 was issued just last year. For these reasons, we believe that we should now go forward with the separate certificate, as proposed.

One Cabinet-level department advised OGE that the proposal for a separate certificate of no new interests would not be implemented by them, as it would unnecessarily complicate the administration of the financial disclosure program and filing process, and it could confuse filers. They cited the loss of predictability for filers, the need for the department to distribute additional instructions, the possibility of having to provide both blank forms to filers, and the potential of requests from filers for copies of their prior reports.

While we cannot disagree that some of these concerns may be valid to varying degrees, we believe that the majority of agencies will find overall that the certificate of no new interests will reduce paperwork and will provide a welcome relief for both filers and agency ethics officials. In order to further simplify the matter of providing guidance to certificate users on the meaning of ''reportable'' interests, OGE has made some changes to § 2634.905(d)(3) of the final rule, including a suggestion that agencies may refer filers to electronic sources such as OGE's Internet Web site or software for completing OGE Form 450. Additionally, as noted in the proposed rule, use of this alternative certificate is entirely optional with each agency, and even if the agency does decide it would be beneficial to adopt, each affected employee would retain the option of either using the certificate (if applicable) or filing a new OGE Form 450. Thus, this regulatory amendment does not mandate any new requirements for agencies or their employees. It simply responds to a need for additional flexibility that OGE and a number of agencies and employees have identified. The commenting department's counter-proposal for a certification directly on the OGE Form 450 has not been adopted, for the reasons discussed above.

One agency asked that OGE allow local rather than agencywide implementation of OGE Optional Form 450–A. As noted above, this new procedure requires the agency to determine, under § 2634.905(d), that its use is adequate to prevent conflicts of interest, under that agency's particular circumstances. Further, the new rule permits implementation of this procedure for all or specified groups of its eligible filers. Using these guidelines, the commenting agency may decide to approve the use of OGE Optional Form 450–A for some but not all of its local components.

One commenter asked that OGE allow agencies to develop alternative systems tailored to their particular needs. As discussed in the preamble to the proposed rule, the general regulatory authorization for use of a standardized alternative procedure by executive branch agencies which this amendment accomplishes does not eliminate other alternative procedures that have been approved by OGE in writing on an agency-specific basis, under 5 CFR 2634.905(c). If an agency wishes to deviate from the prescribed methodology or format for OGE Optional Form 450–A, it must seek separate written OGE approval pursuant to § 2634.905(c), with appropriate justification. (Other formats may also require clearance under the Paperwork Reduction Act from the Office of Management and Budget.) This commenter correctly recognized that, absent separate OGE approval, the new OGE Optional Form 450–A must be used in exactly the prescribed format and under the regulatory requirements of § 2634.905(d). It is optional only in the sense that implementation by agencies is discretionary, and that its use will not be mandatory for any employee.

One agency suggested that the OGE Optional Form 450–A be permitted for a maximum of four consecutive years before collection of another complete OGE Form 450, rather than three, as it would be easier to remember that filing a complete OGE Form 450 is required in years ending in ''0'' or ''5'' than in years divisible by four. Alternatively, this agency suggested that agencies be allowed to spread the periodic collection of OGE Form 450s from certificate users over several different years, so that it would not have to review all such forms in the same year. The Office of Government Ethics has rejected both suggestions. As noted in the preamble to the proposed rule, over half of the respondents to OGE's survey recommended the four-year maximum. The new regulation permits agencies to adopt fewer than four years as its standard, but we believe that a longer period would significantly reduce the effectiveness of OGE Optional Form 450–A in preventing conflicts. Concerning the requirement that all users of the OGE Optional Form 450–A file a new OGE Form 450 periodically at the same time, rather than staggering

those filings, the discussion above and in the preamble to the proposed rule explains that this was considered necessary in order to avoid the administrative confusion that would result if agencies had to track for individual filers when their next OGE Form 450 would be due. Furthermore, it was preferred by nearly two-thirds of the respondents to OGE's survey.

In order to more accurately track the language of OGE Optional Form 450–A, OGE has amended § 2634.905(d) of the final rule describing the term ''changed jobs.'' As indicated therein, it includes a new position description or other ''significant change'' in duties at one's agency. Ordinarily, a certificate user should have no difficulty in understanding what is meant by a ''significant change'' in duties, especially in the context of the potential for conflicts of interest. If an agency anticipates that this could confound employees, it may wish to offer special guidance, tailored to the agency's mission and functions or to categories of position descriptions. The Office of Government Ethics has deliberately not attempted to further define the concept of ''significant change'' in duties, because it is not amenable to a Governmentwide or rigid interpretation. For some agencies, it may be important to have certificate users consider not only changes in their official responsibilities but also in the outside entities with which they routinely interact, when determining whether there has been a ''significant change.'' If the term proves too elusive for some agencies or filers, then they should simply not use OGE Optional Form 450–A. Again, the purpose of this new form and procedure is to reduce paperwork and administrative burden. If an agency determines that those goals will not be fulfilled, then it should not adopt this new option.

OGE Optional Form 450–A

One agency asked that OGE revise the parenthetical statement on the new OGE Optional Form 450–A which refers filers to instructions accompanying OGE Form 450 or other agency guidance in determining what interests are considered reportable. The agency suggested that filers should be referred to both sources, not to one or the other, so that an agency might supplement the instructional guidance accompanying OGE Form 450 without having to repeat or reference all of its contents. While we do not concur that supplemental guidance would necessarily have to repeat or reference all other guidance in order to stand alone, we have modified the parenthetical reference on the OGE Optional Form 450–A by changing ''or'' to ''and/or.'' Another agency suggested that the new form be revised to include supplementary guidance directly on its face. Because of space limitations, and to further the purpose of this certificate as a short and simple alternative for annual filers, OGE has not adopted that suggestion.

Two agencies suggested that OGE should add a signature block to the OGE Optional Form 450–A for the supervisor and/or ethics official to indicate receipt, or to show completion of review, or to verify whether the filer had changed jobs and if so, its effect on the potential for conflicts. Instead, the form has a space at the bottom, marked ''for agency use,'' with a designated block for ''date of receipt'' and for general ''notes.'' Agencies are free to use that space as they see fit, which might include the signatures of supervisors or ethics officials, if they deem it appropriate. Recognizing that each agency might want to use different procedures for tracking or examining these certificates, we have decided not to make the specific additions suggested by these two commenters.

We have also not adopted the suggestion of one agency that OGE Optional Form 450–A be revised to more prominently state the penalties for falsification. Because of space limitations, we have decided to leave the penalties section on the second page, along with the Privacy Act statement.

Nor have we adopted an agency's suggestion that OGE Optional Form 450–A be modified to account for changes in a spouse's Federal employment. The form as drafted requires a certification that the certificate user's spouse has not changed jobs with a non-Federal employer, because it is only the spouse's non-Federal employment that must be reported as an earned income source on OGE Form 450. Based on this suggestion about spousal employment, however, we have decided to modify OGE Optional Form 450–A and § 2634.905(d) of the regulatory amendment, to more directly focus on the source of a spouse's non-Federal income rather than on a change in the spouse's responsibilities with an employer. To accomplish this on the form, we have moved spousal employment sources of income to section A (''No New Interests'') of the certificate and deleted it from section B (''No Change in Position/Duties''). For certificate users themselves, the form will remain unchanged, as for them the inquiry does relate to their Federal employment and whether their duties have changed, since that is what will affect the potential for conflict with their financial interests.

III. Availability of Forms and Confidentiality

Previously, OGE provided a camera-ready version of OGE Form 450 to each designated agency ethics official, for copying of supplies locally. Likewise, OGE intends to distribute to all designated agency ethics officials before the effective date a camera-ready version of the new OGE Optional Form 450–A, for local copying. Both forms are also available from OGE in electronic format, from which paper copies may be printed. The electronic format may be obtained through OGE's electronic bulletin board TEBBS (''The Ethics Bulletin Board System'') at 202–208–8030, or via OGE's World Wide Web Site at http://www.access.gpo.gov/usoge.

As indicated in the proposed rule, once the OGE Optional Form 450–A is completed and filed, it is a confidential document and must be accorded the same privacy protections as the OGE Form 450. Thus, no member of the public will have access to a completed certificate of no new interests, except as authorized by law. See 5 CFR 2634.604(b) and 2634.901(d). The OGE Optional Form 450–A includes a Privacy Act statement to that effect.

IV. Matters of Regulatory Procedure

Executive Order 12866

In promulgating these final rule amendments, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments have also been reviewed by the Office of Management and Budget under that Executive order.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final amendatory rule will not have a significant economic impact on a substantial number of small entities, because it primarily affects Federal executive branch employees and their agencies.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply, because these amendments do not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2634

Administrative practice and procedure, Certificates of divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

Approved: May 5, 1997.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2634 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations, as follows:

PART 2634—[AMENDED]

1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart F—Procedure

2. Section 2634.601 is amended by removing the parenthetical phrase following paragraph (c), and by revising paragraph (a) and adding a new paragraph (d) to read as follows:

§ 2634.601 Report forms.

(a) The Office of Government Ethics provides, through the Federal Supply Service of the General Services Administration (GSA), a standard form, the SF 278 (Public Financial Disclosure Report), for reporting the information described in subpart B of this part on executive branch public disclosure. The Office of Government Ethics also provides two uniform formats relating to confidential financial disclosure: OGE Form 450 (Confidential Financial Disclosure Report) for reporting the information described in subpart I of this part on executive branch confidential disclosure; and OGE Optional Form 450–A (Confidential Certificate of No New Interests) for voluntary use by certain employees in lieu of filing an annual OGE Form 450, if authorized by their agency, in accordance with § 2634.905(d) of subpart I of this part. Supplies of the two confidential forms are to be reproduced locally by each agency, from a camera-ready copy or an electronic format made available by the Office of Government Ethics. (Until August 31, 1997, the old SF 450 remains usable, rather than the new OGE Form 450, and is available from GSA's Federal Supply Service.)

* * * * *

(d) The information collection and recordkeeping requirements have been approved by the Office of Management and Budget under control number 3209–0001 for the SF 278, and control number 3209–0006 for OGE Form 450/SF 450. OGE Optional Form 450–A has been determined not to require an OMB paperwork control number, as its use is strictly optional for employees, it is used exclusively by current Government employees, and it does not require affirmative disclosure of substantive information.

Subpart I—Confidential Financial Disclosure Reports

3. Section 2634.905 is amended by removing the word ''or'' at the end of paragraph (b)(2), by removing the period at the end of paragraph (c) and replacing it with the terms ''; or'', and by revising the introductory text and adding a new paragraph (d) before the examples to read as follows:

§ 2634.905 Exclusions from filing requirements.

Any individual or class of individuals described in § 2634.904 of this subpart, including special Government employees unless otherwise noted, may be excluded from all or a portion of the confidential reporting requirements of this subpart, when the agency head or designee determines that:

* * * * *

(d) The use of OGE Optional Form 450–A (Confidential Certificate of No New Interests) is adequate to prevent possible conflicts of interest. This form may be used by eligible filers, as described in this paragraph, who can certify, after reexamining their most recent previous OGE Form 450, that they (and their spouse and dependent children) have acquired no new interests required to be reported on OGE Form 450, and that they have not changed jobs (no new position description or other significant change in duties) at their agency since filing that previous report. OGE Optional Form 450–A will be used under the following conditions:

(1) OGE Optional Form 450–A will only be made available for use by current employees who are not special Government employees.

(2) OGE Optional Form 450–A will only be used by incumbent filers, as described in § 2634.903(a) of this subpart, in lieu of filing an annual OGE Form 450, who have a previous OGE Form 450 on file with their agency for the position they currently hold. Its due date is as specified in § 2634.903(a), unless extended under § 2634.903(d).

(3) As indicated on the OGE Optional Form 450–A, eligible filers may use OGE Optional Form 450–A, if applicable to their circumstances, or they may file a new OGE Form 450, at their option. Therefore, a blank OGE Form 450 and its accompanying written instructions should ordinarily be distributed to them, along with the blank OGE Optional Form 450–A. The instructions to OGE Form 450 will also provide guidance on what is meant by ''reportable'' interests on OGE Optional Form 450–A. In lieu of distributing a blank OGE Form 450 and its instructions, agencies may choose to develop separate guidance on the meaning of ''reportable'' interests, or they may refer certificate users to guidance contained in any available source, such as the Office of Government Ethics' Web site on the Internet or agency-approved electronic software for OGE Form 450. Filers would then also have to be advised of where to obtain a blank OGE Form 450, if needed.

(4) OGE Optional Form 450–A may be used by eligible filers for a maximum of three consecutive years before they are required to complete a new OGE Form 450 every fourth year, on a uniform basis for all incumbent (annual) filers, as provided in paragraph (d)(5) of this section. Agencies may, however, elect to permit use of the OGE Optional Form 450–A for only one year (or two years), and to require a new OGE Form 450 every second (or third) year, on a uniform basis for all incumbent filers, as provided in paragraph (d)(5) of this section.

(5) In each year divisible by four, beginning in 2000 (or divisible by two or three, beginning in 1998, for agencies that choose one of the more frequent options described in the second sentence of paragraph (d)(4) of this section), all incumbent filers, as described in § 2634.903(a) of this subpart, must file a new OGE Form 450 rather than OGE Optional Form 450–A, regardless of how recently they may have filed an OGE Form 450 (either as a new entrant or as an annual filer who was not eligible to use, or chose not to use, the optional certificate).

(6) When submitting OGE Optional Form 450–A, filers are not required to attach a copy of their previous OGE Form 450, unless their agency determines that it is necessary. Filers should be encouraged, however, to retain a copy of their previous OGE Form 450, so that it will be readily available for their examination prior to

completing an OGE Optional Form 450–A.

* * * * *

[FR Doc. 97–16409 Filed 6–23–97; 8:45 am]

BILLING CODE 6345–01–U

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Freedom of Information and Privacy Act Regulations

AGENCY: Office of the Secretary of Agriculture, USDA.

ACTION: Final rule.

SUMMARY: The United States Department of Agriculture (USDA or the Department) is amending its regulations pertaining to the Freedom of Information and Privacy Acts to make corrections, clarifications, updates, and to remove unnecessary regulations. This action is part of the USDA regulatory reinvention initiative to improve its regulations.

EFFECTIVE DATE: July 24, 1997.

FOR FURTHER INFORMATION CONTACT: Regarding the regulations mentioned in this document, contact Scott C. Safian, Staff Attorney, Regulatory Division, Office of the General Counsel, U.S. Department of Agriculture, Room 2422, South Building, 14th Street and Independence Avenue, SW, Washington, DC 20250–1400, (202) 720–2003. Regarding general information on USDA's ''reinvention initiative,'' contact: Marvin Shapiro, Chief, Legislative, Regulatory and Automated Systems Division, Office of Budget and Program Analysis, U.S. Department of Agriculture, Room 147–E, Jamie L. Whitten Federal Building, 14th Street and Independence Avenue, SW, Washington, DC 20250–1400, (202) 720–1516.

SUPPLEMENTARY INFORMATION: The President directed the heads of all Federal departments and agencies to conduct a review of their regulations and to eliminate or revise those that are outdated or otherwise in need of reform. The USDA review identified the Department's Administrative Regulations—Official Records (7 CFR, part 1, subpart A) and Administrative Regulations—Privacy Act Regulations (7 CFR, part 1, subpart G) as two regulations that needed to be revised.

The regulations in 7 CFR, part 1, subpart A (Administrative Regulations—Official Records) establish policy, procedures, requirements, and responsibilities for administration and coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. The regulations also provide rules pertaining to the disclosure of records pursuant to compulsory process and serve as the implementing regulations for the Office of the Secretary and for the office within the Department having primary responsibility for the FOIA.

The regulations in 7 CFR, part 1, subpart G (Administrative Regulations—Privacy Act Regulations), contain the regulations of the Department implementing the Privacy Act of 1974, 5 U.S.C. 552a. The regulations set forth the basic responsibilities of each agency of the Department with regard to USDA's compliance with the requirements of the Privacy Act, and offer guidance to members of the public who wish to exercise any of the rights created by the Act with regard to records maintained by an agency of USDA.

On July 25, 1996, we published, in the **Federal Register** (61 FR 38657–38663), a proposed rule to amend the regulations to correct references to statutes, regulations, USDA agencies, and USDA officials; reflect the change of the name of the Administration Building to the Jamie L. Whitten Federal Building; reflect changes in statutes and USDA policy; remove gender specific references; remove unnecessary regulations; and make minor, nonsubstantive changes for clarity. We solicited comments concerning our proposal for 60 days ending on September 23, 1996.

We received two sets of comments. One was from a Freedom of Information Act/Privacy Act officer of one of the Department's subagencies; the other commenter did not identify himself or herself. The commenters supported the proposed rule, but offered suggestions or sought clarification regarding the proposed changes.

One commenter asked, in regard to § 1.9(b) of the FOIA regulations (7 CFR 1.9(b)), whether the regulation was omitting a page-by-page or line-by-line search for the identification of the requested information or material within records for purposes of charging the requester for search services. The commenter noted that sometimes a requester is seeking specific records or information located within a file which contains several drawers full of material. The requester, stated the commenter, wants the particular records or information but does not want a copy of the entire file. However, to locate the particular records or information contained in the file may require searching the entire file page-by-page or line-by-line.

This final rule does not change the requirements regarding ''search services'' in § 1.9(b). Search services are services of agency personnel used in locating the requested records. Search services include time spent examining records for the purpose of finding information that is within the scope of the request as well as services to transport personnel or records for the purpose of the search, if such services are reasonable. Search services do not include the time spent locating a record if the record is in its normal location in a file or other facility or the review of records to determine whether the records are exempt. We proposed to amend the language of § 1.9(b) in order to more clearly state the Department's policy and requirements regarding search services. We did not propose, and this final rule does not make, any substantive changes to § 1.9(b) of the regulations. Accordingly, we have not made any change in response to this comment.

The other commenter pointed out several typographical errors contained in the proposed rule that needed to be corrected and suggested other minor, non-substantive changes which should be made for clarification. We agree with the commenter and have made these changes to the regulations. This commenter also suggested that we change all references to the words ''him,'' ''her,'' ''himself,'' or ''herself'' in the Department's Privacy Act regulations (7 CFR, part 1, subpart G) to ''requester'' or ''individual.'' We agree with the commenter that these words are appropriate, and should be used whenever possible. We proposed to make these changes throughout the Privacy Act regulations, and this final rule does so. However, in some instances, the use of personal pronouns is both appropriate and necessary. We have made changes to the regulations where appropriate.

In addition to the above, this final rule does not make the proposed changes to § 1.123 of the Department's Privacy Act regulations. Section 1.123 contains the systems of records (or portions thereof) maintained by agencies of the USDA that are exempted from some of the provisions of the Privacy Act. The amendment of these exemption regulations will be left to the individual agencies as they publish amendments to their existing systems notices to reflect agency name changes.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final

rule, with the changes discussed above and other minor, nonsubstantive editorial changes.

Executive Order 12866 and Regulatory Flexibility Act

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

This rule corrects references to statutes, regulations, USDA agencies, USDA officials, and the Administration Building; removes gender specific references; removes unnecessary provisions; updates the regulations to reflect changes that have been made in statutes and policy since the regulations were last amended; and makes minor, nonsubstantive changes for clarity. This action will not have any economic impact.

Under these circumstances, the Secretary has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule: (1) Preempts all state and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Agriculture, Antitrust, Blind, Claims, Concessions, Cooperatives, Equal access to justice, Federal buildings and facilities, Freedom of information, Lawyers, Privacy.

Accordingly, 7 CFR part 1, subpart A and subpart G, is amended as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

1. The authority citation for part 1, subpart A, is revised to read as follows:

Authority: 5 U.S.C. 301, 552; 7 U.S.C. 3125a; 31 U.S.C. 9701; and 7 CFR 2.28(b)(7)(viii).

2. Section 1.1 is revised to read as follows:

§ 1.1 Purpose and scope.

This subpart establishes policy, procedures, requirements, and responsibilities for administration and coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. This subpart also provides rules pertaining to the disclosure of records pursuant to compulsory process. This subpart also serves as the implementing regulations for the Office of the Secretary (the immediate offices of the Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) and for the Office of Communications. The Office of Communications has the primary responsibility for the FOIA in the Department of Agriculture (USDA). The term ''agency'' or ''agencies'' is used throughout this subpart to include both USDA program agencies and staff offices.

§ 1.2 [Amended]

3. Section 1.2 is amended as follows:

a. Paragraph (a) is amended by removing the word ''documents'' and adding the word ''records'' in its place; and by removing the word ''exceptional'' and adding the word ''unusual'' in its place.

b. Paragraph (b) is amended by removing the word ''documents'' and adding the word ''records'' in its place.

§ 1.3 [Amended]

4. In § 1.3, paragraph (a)(2) is amended by removing the word ''thereto'' and adding the words ''to indexes'' in its place.

5. Section 1.4 is amended as follows:

a. Paragraph (a) introductory text is amended by removing the words ''Office of Governmental and Public Affairs'' and adding the words ''Office of Communications'' in their place.

b. Paragraphs (a)(1) and (a)(2) are amended by removing the words ''Administration Building'' and adding the words ''Jamie L. Whitten Federal Building'' in their place.

c. Paragraph (a)(3) is amended by removing the words ''Director of Information, Office of Governmental and Public Affairs'' and adding the words ''FOIA Coordinator, Office of Communications'' in their place.

d. Paragraph (a)(4) is amended by removing the words ''Assistant Secretary for Governmental and Public Affairs'' and adding the words ''Director of Communications, Office of Communications'' in their place.

e. Paragraph (b) introductory text is amended by removing the words ''Office of Governmental and Public Affairs (OGPA)'' and adding the words ''Office of Communications (OC)'' in their place.

f. Paragraph (b)(3) is amended by removing the reference ''7 CFR part 2, subpart A'' and adding the reference ''part 2, subpart A, of this title'' in its place.

g. Paragraph (b)(4) is amended by removing the words ''Office of Governmental and Public Affairs'' and adding the words ''Office of Communications'' in their place; and by removing the words ''The Office is'' and adding the words ''The Office of Communications is'' in their place.

h. Paragraph (b)(5) is revised; and

i. Paragraph (b)(6) is revised to read as follows:

§ 1.4 Implementing regulations for the Office of the Secretary.

* * * * *

(b) * * *

(5) The Office of Communications is headed by the Director of Communications. In the Director's absence, the Office of Communications is headed by the Deputy Director.

(6) The Office of Communications consists of nine divisions, each headed by a director.

§ 1.5 [Amended]

6. In § 1.5, paragraph (b) is amended as follows:

a. In the first sentence, by removing the word ''also''; and by adding the words ''for public inspection and copying'' immediately after the words ''make available''.

b. In the second sentence, by removing the word ''thereto'' and adding the words ''to such indexes'' in its place.

c. In the third sentence, by removing the word ''Notice'' and adding the word ''notice'' in its place.

7. Section 1.6 is amended as follows:

a. In paragraph (a), the second sentence is amended by removing the words ''in his or her petition ask for a fee waiver if there is likely to be a charge for the requested information'' and adding the words ''ask for a fee waiver'' in their place; in the third sentence, by removing the words ''Office of Governmental and Public

Affairs'' and adding the words ''Office of Communications'' in their place both times they appear; in the third sentence, by removing the words ''Director of Information'' and adding the words ''Director of Communications'' in their place; and in the fourth sentence, by removing the words ''that Act'' and adding the words ''the Freedom of Information Act'' in their place.

b. Paragraph (b) is amended by removing the words ''etc., which'' and adding the words ''names of individuals, names of offices, and names of agencies or other organizations that'' in their place.

c. In paragraph (c), the first sentence is amended by removing the word ''it'' and adding the words ''the agency'' in its place; and by removing the words ''he or she'' and adding the words ''the requester'' in their place.

d. Paragraph (e) is amended by removing the words ''the person making the request'' and adding the words ''the requester'' in their place; and by adding the words ''of this subpart'' immediately after the words ''appendix A''.

e. Paragraph (f) is amended by removing the words ''nonagency-specific, i.e., are''; and by removing the words ''Office of Governmental and Public Affairs, Office of Information, Special Programs Division'' and adding the words ''Office of Communications'' in their place.

f. Paragraph (g) is amended by removing the word ''(agencies)'' and adding the words ''or agencies'' in its place; and by removing the words ''The unit'' and adding the words ''The central processing unit in the Office of Communications'' in their place.

g. Paragraph (h) is revised to read as follows:

§ 1.6 Requests for records.

* * * * *

(h) Each agency shall develop and maintain a record of all written and oral requests and appeals received in that agency. The record shall include the name of the requester; a brief summary of the information requested; whether the request or appeal was granted, denied, or partially denied; the exemption from mandatory disclosure under 5 U.S.C. 552(b) upon which any denial was based; and the amount of any fees associated with the request or appeal.

§ 1.8 [Amended]

8. Section 1.8 is amended as follows:

a. In paragraph (a) introductory text, the third sentence is amended by removing the words ''it grants'' and adding the words ''the agency grants'' in their place.

b. Paragraph (b) is amended by removing the word ''insure'' and adding the word ''ensure'' in its place; and by adding the words ''reasonably segregable'' immediately before the word ''nonexempt''.

c. In paragraph (d) introductory text, the third sentence is amended by removing the words ''it grants'' and adding the words ''the agency grants'' in their place.

d. In paragraph (e), the second sentence is amended by removing the word ''Agencies'' and adding the words ''Each agency'' in its place; by removing the word ''thereof'' and adding the words ''of the fee'' in its place; in the third sentence, by removing the words ''In instances where'' and adding the word ''If'' in their place; and by removing the word ''likewise''.

e. Paragraph (f) is amended by removing the words ''the forwarding of copies'' and adding the words ''providing copies of the records'' in their place.

f. Paragraph (g) is amended by adding the words ''of this subpart'' immediately after the words ''appendix A'' both times they appear; and, in the second sentence, by removing the words ''Similarly, as a matter of policy, where'' and adding the word ''If'' in their place.

9. Section 1.9 is amended as follows:

a. Paragraph (a) is amended by removing the words ''They include'' and adding the words ''Search services include'' in their place; and by removing the words ''They also include'' and adding the words ''Search services also include'' in their place.

b. Paragraph (c) is removed.

c. Paragraph (b) is revised to read as follows:

§ 1.9 Search services.

* * * * *

(b) Search services do not include the time spent locating a record if the record is in its normal location in a file or other facility or the review of records to determine whether the records are exempt.

10. Section 1.10 is amended as follows:

a. Paragraph (a) is amended by removing the word ''documents'' and adding the word ''records'' in its place; by adding the words ''of this subpart'' immediately after the words ''appendix A''; and by removing the word ''document'' and adding the word ''record'' in its place.

b. Paragraph (b) is amended by removing the word ''documents'' and adding the word ''records'' in its place both times it appears.

c. Paragraph (c) is revised to read as follows:

§ 1.10 Review services.

* * * * *

(c) Review services do not include the time spent resolving general legal or policy issues regarding the application of exemptions.

§ 1.11 [Amended]

11. In § 1.11, paragraph (a) introductory text is amended by removing the words ''Whenever a request (including any ''demand'' as defined in § 1.21)'' and adding the words ''If a request (including a subpoena duces tecum as described in § 1.215)'' in their place.

§ 1.13 [Amended]

12. Section 1.13 is amended as follows:

a. In paragraph (b), the last sentence is amended by removing the words ''Assistant General Counsel.'' and adding the words ''Assistant General Counsel, General Law Division, Office of the General Counsel.'' in their place.

b. Paragraph (c) is amended by adding the words '', General Law Division, Office of the General Counsel,'' immediately after the words ''Assistant General Counsel''; by removing the words ''Office of Governmental and Public Affairs'' and adding the words ''Office of Communications'' in their place; and by removing the word ''thereof'' and adding the words ''of the administrative deadline'' in its place.

§ 1.14 [Amended]

13. Section 1.14 is amended to read as follows:

a. Paragraph (a) is amended by removing the word ''dispatched'' and adding the words ''sent to the requester'' in its place.

b. Paragraph (b)(3) is amended by removing the word ''therein'' and adding the words ''in the request'' in its place; and by removing the words ''Office of Governmental and Public Affairs'' and adding the words ''Office of Communications'' in their place.

14. Section 1.16 is revised to read as follows:

§ 1.16 Fee schedule.

Pursuant to § 2.28 of this title, the Chief Financial Officer is delegated authority to promulgate regulations providing for a uniform fee schedule applicable to all agencies of the Department regarding requests for records under this subpart. The regulations providing for a uniform fee schedule are found in appendix A of this subpart.

§ 1.18 [Amended]

15. Section 1.18 is amended as follows:

a. Paragraph (a)(7) is amended by removing the word ''fully''.

b. Paragraph (b) is amended by removing the words ''Director of Information, Office of Governmental and Public Affairs'' and adding the words ''Director of Communications, Office of Communications'' in their place.

c. Paragraph (c) is amended by removing the words ''Director of Information'' and adding the words ''Director of Communications, Office of Communications'' in their place; and by removing the reference ''5 U.S.C. 552(d)'' and adding the reference ''5 U.S.C. 552(e)'' in its place.

Appendix A of Subpart B—[Amended]

16. Appendix A of subpart A is amended as follows:

a. Section 1 is amended by removing the word ''documents'' and adding the word ''records'' in its place.

b. In section 2, the first sentence is amended by adding the words ''of this appendix'' immediately after the words ''section 5'' and by removing the word ''document'' and adding the word ''record'' in its place; in the second sentence, by removing the words ''in certifying'' and adding the word ''certifying'' in their place and by removing the words ''in sending'' and adding the word ''sending'' in their place; and in the third sentence, by removing the word ''schedule'' and adding the word ''appendix'' in its place.

c. In section 3, paragraph (a) is amended by removing the word ''documents'' and adding the word ''records'' in its place; by removing the words ''as specified below in section 5'' and adding the words ''as specified in section 5 of this appendix'' in their place; by removing the word ''information'' and adding the word ''records'' in its place; and by adding the words ''of this appendix'' immediately after the reference to ''section 4(e)''.

d. In section 3, paragraph (b) is amended by removing the words ''Also, no'' and adding the word ''No'' in their place.

e. In section 3, paragraph (c) is amended by removing the words ''In addition, fees'' and adding the word ''Fees'' in their place.

f. In section 3, paragraph (d) introductory text is amended by removing the word ''Documents'' and adding the word ''Records'' in its place; and in paragraph (d)(2) by removing the word ''free'' and adding the word ''fee'' in its place.

g. In section 4, paragraph (c) is amended by removing the word ''information'' and adding the word ''records'' in its place; and by removing the word ''document(s)'' and adding the word ''records'' in its place.

h. In section 4, paragraph (j) is amended by removing the words ''as amended (5 U.S.C. 552),''; by adding the words ''of this appendix'' immediately after the reference to ''section 6''; and by removing the word ''schedule'' and adding the word ''appendix'' in its place.

i. In section 4, paragraph (k) is amended by removing the word ''schedule'' and adding the word ''appendix'' in its place; and by removing the words ''(formerly 31 U.S.C. 483a)''.

j. Section 5 introductory text is amended by removing the words ''as amended,''; and by removing the words ''The Act'' and adding the word ''FOIA'' in their place.

k. In section 5, paragraph (a) introductory text is amended by adding the words ''of this appendix'' immediately after the reference to ''section 3(a)''; and in paragraph (a)(2) by removing the word ''documents'' and adding the word ''records'' in its place.

l. In section 5, paragraph (b)(2) is amended by adding the words ''of this appendix'' immediately after the reference ''(see section 5(a)(1))''.

m. In section 5, paragraph (d) is amended by removing the words ''any of the above categories'' and adding the words ''the categories described in paragraphs (a), (b), or (c) of this section'' in their place; by removing the word ''documents'' and adding the word ''records'' in its place; and by adding the words ''of this appendix'' immediately after the reference to ''section 4(e)''.

n. In section 6, paragraph (a) introductory text is amended by revising the first sentence to read, ''Agencies shall waive or reduce fees on request for records if disclosure of information in the records is deemed to be in the public interest.''.

o. In section 6, paragraph (a)(1)(v) is amended by removing the words '', if so,''.

p. In section 6, paragraph (a)(3)(i) is amended by removing the word ''information'' and adding the word ''records'' in its place.

q. In section 6, paragraph (a)(3)(ii) is amended by removing the word ''recipient'' and adding the word ''requester'' in its place.

r. In section 8, paragraph (d) is amended by removing the word ''below'' and adding the words ''in section 9 of this appendix'' in its place.

s. Section 9 is amended by removing the reference ''section 3717 of title 31 U.S.C.'' and adding the reference ''31 U.S.C. 3717'' in its place.

t. Section 10 is amended by removing the reference ''the provisions of 31 U.S.C. 3701, 3711–3719'' and adding the reference ''31 U.S.C. 3701, 3711–3720A'' in its place.

u. In section 13, the heading is amended by removing the word ''photographic''.

v. Section 13 introductory text is amended by removing the words ''this action to be'' and adding the words ''that furnishing free reproductions is'' in their place.

w. In section 13, paragraph (a) is amended by removing the words ''Press, radio, television, and newsreel representatives'' and adding the words ''Representatives of the news media'' in their place.

x. Section 17 introductory text is amended by removing the word ''here'' and adding the words ''in this section'' in its place.

y. In section 17, the fourth sentence of paragraph (a) is amended by removing the words ''fee schedule'' and adding the word ''appendix'' in their place; and by removing the words ''National Agricultural Library, Room 111, Information Access Division, USDA, Beltsville, Maryland 20705 (301–344–3834)'' and adding the words ''National Agricultural Library, Agricultural Research Service, USDA, Document Delivery Services Branch, 10301 Baltimore Boulevard, Beltsville, Maryland 20705–2351 (301–504–6503)'' in their place.

z. In section 17, paragraph (c) is amended by removing the word ''below'' and adding the words ''in this paragraph'' in its place.

aa. In section 17, paragraph (d) is amended by removing the word ''below'' and adding the words ''in this paragraph'' in its place.

bb. Section 11 is revised.

cc. Section 12 is revised; and

dd. In section 17, paragraph (e) is revised to read as foloows:

Appendix—Fee Schedule

* * * * *

Section 11. Photographic and Digital Reproductions of Microfilm, Aerial Imagery, and Maps

Microfilm, aerial imagery, and maps that have been obtained in connection with the authorized work of this Department may be sold at the estimated cost of furnishing reproductions of these records, using photographic, digital, or other methods of reproduction as prescribed in this appendix.

Section 12. Agencies Which Furnish Photographic Reproductions

(a) *Aerial photographic reproductions.* The agencies of the Department identified in this paragraph furnish aerial photographic reproductions.

(1) Farm Service Agency (FSA), APFO, USDA–FSA, 2222 West 2300 South, PO Box 30010, Salt Lake City, Utah 84125.

(2) Natural Resources Conservation Service (NRCS), National Cartography and Geospatial Center, 501 Felix Street, Building 23, Fort Worth, Texas 76115, or a cartographic facility in any NRCS Technical Service Center.

(b) *Other photographic reproductions.* Photographic reproductions other than aerial photographic reproductions may be obtained from the agencies of the Department identified in this paragraph.

(1) Farm Service Agency (FSA), Aerial Photography Field Office, USDA–FSA, 2222 West 2300 South, PO Box 30010, Salt Lake City, Utah 84125.

(2) Forest Service (FS), USDA, PO Box 96090, Washington, DC 20090–6090, or a FS Regional Office.

(3) National Agricultural Library, Agricultural Research Service, USDA, Document Delivery Services Branch, 10301 Baltimore Boulevard, Beltsville, Maryland 20705–2351.

(4) Natural Resources Conservation Service, National Cartography and Geospatial Center, 501 Felix Street, Building 23, Fort Worth, Texas 76115.

(5) Office of Communications, Photography Division, Room 4407 South Building, Washington, DC 20250.

* * * * *

Section 17. Reproduction Prices

* * * * *

(e) *Special needs.* For special needs not covered elsewhere in this section, persons desiring aerial photographic reproductions should contact the aerial photography coordinator, Farm Service Agency (FSA), Aerial Photography Field Office, USDA–FSA, 2222 West 2300 South, PO Box 30010, Salt Lake City, Utah 84125.

* * * * *

Subpart G—Privacy Act Regulations

17. The authority citation for part 1, subpart G, is revised to read as follows:

Authority: 5 U.S.C. 301 and 552a; 31 U.S.C. 9701.

§ 1.110 [Amended]

18. Section 1.110 is amended by removing the word ''It'' and adding the words ''This subpart'' in its place; and by removing the words ''the Act'' and adding the words ''the Privacy Act'' in their place both times they appear.

§ 1.112 [Amended]

19. In § 1.112, paragraph (a) introductory text is amended by adding the words ''or her'' immediately after the word ''him''.

§ 1.113 [Amended]

20. Section 1.113 is amended as follows:

a. Paragraph (a) is amended by adding the words ''or her'' immediately after the word ''him''; and by adding the words ''or herself'' immediately after the word ''himself''.

b. In paragraph (b), the first sentence is amended by removing the words ''he is'' and adding the words ''the requester is'' in their place; in the second sentence, by removing the words ''he shall'' and adding the words ''the requester shall'' in their place; by removing the word ''his'' and adding the words ''the requester's'' in its place; by removing the words ''he understands'' and adding the words ''the requester understands'' in their place; and, in the last sentence by removing the words ''when the records are ones whose disclosure is required by 5 U.S.C. 552'' and adding the words ''if the records are required by 5 U.S.C. 552 to be released'' in their place.

c. Paragraph (c) is amended by removing the words ''him via'' and adding the words ''himself or herself by'' in their place; by removing the words ''him during'' and adding the words ''the requester during'' in their place; and by removing the words ''their presence'' and adding the words ''the presence of such other person or persons'' in their place.

d. Paragraph (d) is amended by removing the words ''to him'' and adding the words ''to the requester'' in their place; by removing the words ''him copies'' and adding the words ''the requester copies'' in their place; and by removing the word ''thereof'' and adding the words ''of those records'' in its place.

e. In paragraph (e), the first sentence is amended by removing the words ''he shall'' and adding the words ''the requester shall'' in their place; by removing the words ''his request'' and adding the words ''his or her request'' in their place; by removing the words ''his identity'' and adding the words ''the requester's identity'' in their place; in the second sentence, by removing the words ''he is'' and adding the words ''the requester is'' in their place; by removing the words ''he understands'' and adding the words ''the requester understands'' in their place; and in the third sentence, by removing the words ''when the records are ones whose disclosure is required by 5 U.S.C. 552'' and adding the words ''if the records are required by 5 U.S.C. 552 to be released'' in their place.

§ 1.114 [Amended]

21. Section 1.114 is amended as follows:

a. Paragraph (d) is amended by removing the word ''he'' and adding the words ''the system manager'' in its place both times it appears.

b. Paragraph (e) is amended by removing the word ''he'' and adding the words ''the head of the agency'' in its place; by removing the word ''therefor'' and adding the words ''for the determination'' in its place; and by removing the word ''his'' and adding the words ''the requester's'' in its place.

§ 1.116 [Amended]

22. Section 1.116 is amended as follows:

a. Paragraph (a) introductory text is amended by adding the words ''or her'' immediately after the word ''him''.

b. Paragraph (b) is amended by removing the reference ''5 U.S.C. 552(e)(1) and (5)'' and adding the reference ''5 U.S.C. 552a(e) (1) and (5)'' in its place.

§ 1.117 [Amended]

23. Section 1.117 is amended as follows:

a. Paragraph (a) introductory text is amended by removing the word ''It'' and adding the words ''The agency'' in its place.

b. In paragraph (a)(2), the first sentence is amended by removing the word ''his'' and adding the word ''the'' in its place; and by removing the word ''he'' and adding the words ''the requester'' in its place.

c. Paragraph (b) is amended by removing the word ''therefor'' and adding the words ''for the inability to comply with paragraphs (a)(1) or (a)(2) of this section within 30 days,'' in its place.

d. Paragraph (d)(3) is amended by removing the words ''and where'' and adding the word ''if'' in their place.

e. Paragraph (e)(2) is amended by removing the word ''therefor'' and adding the words ''for the determination not to grant all or a portion of the request for correction or amendment'' in its place.

f. Paragraph (e)(3) is amended by adding the words ''or she'' immediately after the word ''he''.

§ 1.118 [Amended]

24. Section 1.118 is amended as follows:

a. Paragraph (c) is amended by removing the word ''his'' and adding the word ''a'' in its place.

b. Paragraph (d) is amended by removing the word ''he'' and adding the words ''the head of the agency'' in its place.

c. Paragraph (e) introductory text is amended by removing the word ''he'' and adding the words ''the head of the agency'' in its place.

d. Paragraph (e)(1) is amended by removing the word ''therefore'' and

adding the words ''for the determination'' in its place.

e. Paragraph (e)(2) is amended by removing the word ''his'' and adding the words ''the requester's'' in its place.

§ 1.121 [Amended]

25. Section 1.121 is amended by removing the words ''enumerated acts'' and adding the words ''acts enumerated in 5 U.S.C. 552a(i)'' in their place; by removing the words ''on or after September 27, 1975,''; and by removing the reference ''5 U.S.C. 552a(m)'' and adding the reference ''5 U.S.C. 552a(m)(1)'' in its place.

§ 1.122 [Amended]

26. Section 1.122 is amended by removing the word ''thereof'' and adding the words ''of systems of records'' in its place; by removing the word ''below'' and adding the words ''in this section'' in its place.

Appendix A—Internal Directives [Amended]

27. Appendix A of subpart G is amended as follows:

a. In section 1, paragraph (c) introductory text is amended by adding the words '', of'' immediately before the colon.

b. In section 1, paragraph (c)(4) is amended by removing the word ''him'' and adding the words ''the individual'' in its place.

c. In section 1, paragraph (d)(7) is amended by adding the words ''or her'' immediately after the word ''his''; and by removing the word ''him'' and adding the words ''the individual'' in its place.

d. In section 1, paragraph (d)(8) is amended by adding the words ''or her'' immediately after the word ''his''; by removing the word ''he'' and adding the words ''the individual'' in its place both times it appears; and by adding the words ''or her'' immediately after the word ''him''.

e. In section 2, paragraph (a) is amended by removing the words ''insure that 30'' and adding the words ''ensure that at least 30'' in their place.

f. In section 3, paragraph (c) is amended by removing the word ''above'' and adding the words ''required under paragraph (a) of this section'' in its place; and by adding the words ''or her'' immediately after the word ''his''.

g. In section 4, by removing the words '', if such contract is agreed to on or after September 27, 1975,''; and by removing the words ''that section'' and adding the reference ''5 U.S.C. 552a(i)'' in their place.

h. In section 6, paragraph (a) is amended by adding the words ''or her'' immediately after the word ''his''.

i. In section 6, paragraph (b) introductory text is amended by removing the words ''The provisions of paragraph (a) of this Section'' and by adding the words ''Paragraph (a) of this section'' in their place.

j. In section 6, paragraph (c) is amended by adding the words ''or her'' immediately after the words ''his''.

k. Section 7 introductory paragraph is amended by removing the words ''(beginning March 30, 1976)''.

l. Section 8 is amended by removing the words ''the provisions of''.

Done in Washington, DC, this 17th day of June, 1997.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 97–16414 Filed 6–23–97; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1414, 1415, 1416, 1434, 1437, 1439, 1468, 1477, 1479, and 1489

RIN 0560–AF15

Livestock Indemnity Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule sets forth the terms and conditions of the Livestock Indemnity Program as authorized by the 1997 Emergency Supplemental Appropriations Act, which may be made available to eligible livestock producers for livestock and poultry losses that occurred as a result of natural disasters that occurred between October 1, 1996, and June 12, 1997, for which a Presidential or Secretarial disaster was requested by June 12, 1997, and subsequently approved.

This rule also deletes obsolete program regulation as part of the National Performance Review Initiative to eliminate unnecessary regulations and improve those that remain in force.

DATES: Effective June 24, 1997. Comments must be received by July 24, 1997 in order to be assured of consideration.

ADDRESSES: Comments should be mailed to Diane Sharp, Director, Compliance and Production Adjustment Division, Farm Service Agency, United States Department of Agriculture, STOP 0517, 1400 Independence Ave. S.W., Washington, D.C. 20013–2415. Telephone (202) 720–7641. Access this interim rule on the Internet at: www.fsa.usda.gov.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, (202) 720–7641.

SUPPLEMENTARY INFORMATION:

Executive Order 12766

This interim rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Farm Service Agency (FSA) and the Commodity Credit Corporation (CCC) are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12788. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are retroactive to October 1, 1996. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Executive Order 12372

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

Due to the need for immediate action and necessity in providing payments for losses expeditiously, CCC has determined that, pursuant to section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, it is impracticable, unnecessary and contrary to the public interest to require this rule to conform to the requirements of section 801 of that Act. Accordingly this rule is effective upon publication.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, CCC will submit an emergency information collection request (ICR) to OMB for the approval of the Livestock Indemnity Program reports as necessary for the proper functioning of the program.

Title: Livestock Indemnity Program.

OMB Control Number: 0560–0029.

Type of Request: Addendum to an existing Information Collection Package.

Abstract: Persons who suffered livestock or poultry losses according to this subpart, are required to provide information regarding their livestock and poultry operation, losses that occurred, and disposition of those losses. Documents to support their reported interest in the animals may be required such as receipts for purchase of the livestock or poultry, feed receipts, loan documents, or any information that may verify their livestock or poultry possessions prior to the reported loss. Evidence to support the number of losses may be required such as rendering receipts, National Guard or FEMA receipts, or any other evidence that may be available to support the claim. Also, information regarding the qualifying gross revenues is required for determining whether the $2,500,000 threshold for gross income limitation is met. The information collection will be used by the CCC to approve or determine the eligibility and amount of assistance in accordance with this subpart. The CCC considers the information collected to be essential to prudent eligibility and assistance determinations. Failure to make sound decisions in providing livestock indemnity program payments would result in large losses to both the livestock and poultry owners and the Government, and weaken the agricultural economy in the affected areas.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 hours per response.

Respondents: Livestock and Poultry Producers.

Estimated Number of Respondents: 60,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 120,000 hours.

Proposed topics for comment include: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to Diane Sharp, Director, Compliance and Production Adjustment Division, Farm Service Agency, United States Department of Agriculture, Stop 0517, 1400 Independence Ave. S.W., Washington, D.C. 20013–2415. Telephone (202) 720–7641.

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Background

This interim rule sets forth the terms and conditions under which livestock producers who suffered a loss as a result of a natural disaster may apply for benefits to compensate for this loss. Congress has mandated the Secretary through the CCC to make available up to $50 million received from the proceeds of the sale of grain held in the disaster reserve established by the Agricultural Act of 1970, to implement a livestock indemnity program. This interim final rule is being added as a new subpart to part 1439, and specifically indicates how this subpart will incorporate terms and conditions already in this part.

Producers who seeks benefits under this subpart must file an application for benefits during the sign-up period as determined by the Deputy Administrator. As set forth in section 1439.801, benefits are only available for losses that occurred between October 1, 1996, and June 12, 1997, and those losses were the result of natural disasters that occurred between October 1, 1996, and June 12, 1997, for which a Presidential or Secretarial disaster was requested by June 12, 1997, and subsequently approved. Only those livestock losses where the death of the livestock was reasonably related to the disaster which prompted the disaster declaration qualify for benefits under this subpart. Due to the fact that losses will have already occurred and *ex post facto* verification of the loss is in some instances impossible, the CCC will use any available information to substantiate the loss and require the producer to certify the accuracy of the information provided. As with any government program under which individuals seek compensation from the government, false certification carries strict penalties, and the Department will spot-check and validate applications. The CCC through the Farm Service Agency is charged with carrying out government programs in a responsible manner and therefore, after applications have been filed, the county committee will issue a decision on the applications taking into consideration all of the information available to them.

Losses to livestock have been extremely large and the amount that Congress has appropriated is not sufficient to compensate all eligible producers for 100 percent of the market value of the loss. Animal categories and market values for the disaster period will be used in the calculation of national payment rates. Normal mortality rates were considered for each animal category. If the producer's loss is in excess of the normal mortality rates for the animal category, as established by CCC, the benefits will be paid at the national rate established by CCC for those animal losses in excess of the normal mortality rate. If the total calculated payments exceed the funding made available under this program, a uniform national percentage will be applied so the total outlays will not exceed the amount of funds made available under this program.

Eligible livestock includes beef and dairy cattle, sheep, goats, swine, poultry, (including egg-producing poultry), equine animals used for food or in the production of food and beefalo and buffalo when maintained on the same basis as beef cattle.

Livestock indemnity benefits will not be paid to persons with annual gross receipts exceeding $2.5 million. Annual

gross receipts is defined as the person's gross receipts from farming and ranching if the person receives more that 50 percent of gross receipts from farming or ranching, or the total gross receipts from all sources if the total gross receipts are less that 50 percent from farming or ranching. Under this program, a maximum $50,000 payment limitation applies for each person as defined in part 1400 of this chapter.

List of Subjects

7 CFR Part 1414

Cotton, Feed grains, Price support programs, Reporting and recordkeeping requirements, Rice, Soil conservation, Water resources, Wheat.

7 CFR Part 1415

Administrative practice and procedure, Feed grains, Loan programs-agriculture, price support programs, Reporting and recordkeeping requirements, Soil conservation, Wheat.

7 CFR Part 1416

Administrative practice and procedure, Feed grains, Loan programs-agriculture, Price support programs, Reporting and recordkeeping requirements, Soil conservation, Wheat.

7 CFR Part 1434

Honey, Loan programs-agriculture, Price support programs, Reporting and recordkeeping requirements, Warehouses.

7 CFR Part 1437

Agricultural commodities, Crop insurance, Disaster assistance, Fraud, Penalties, Reporting and recordkeeping requirements.

7 CFR Part 1439

Animal feeds, Disaster assistance, Grant programs-agriculture, Livestock, Reporting and recordkeeping requirements.

7 CFR Part 1468

Mohair, Price support programs, Reporting and recordkeeping requirements, Wool.

7 CFR Part 1477

Agricultural commodities, Disaster assistance, Fraud, Grant programs-agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1479

Agricultural commodities, Disaster assistance, Grant programs-agriculture.

7 CFR Part 1489

Exports, Loan porgrams-agriculture, Price support programs, Tobacco.

Accordingly, 7 CFR part 1439 is amended as follows:

PART 1439—EMERGENCY LIVESTOCK ASSISTANCE

1. Part 1439 is amended by adding Subpart—Livestock Indemnity Program (§§ 1439.800 through 1439.810) to read as follows:

Subpart—Livestock Indemnity Program

Sec.

1439.800 [Reserved].
1439.801 Applicability.
1439.802 Administration.
1439.803 Definitions.
1439.804 Sign-up period.
1439.805 Proof of loss.
1439.806 Indemnity benefits.
1439.807 Availability of funds.
1439.808 Misrepresentation, scheme or device.
1439.809 Limitation on payments and income.
1439.810 Refunds to CCC; joint and several liability.

Authority: Pub. L. 105–18, 111 stat. 158.

Subpart—Livestock Indemnity Program

§ 1439.800 [Reserved]

§ 1439.801 Applicability.

This subpart sets forth the terms and conditions of the Livestock Indemnity Program. Benefits shall be provided to eligible livestock producers only in areas where a disaster occurred between October 1, 1996, and June 12, 1997 (inclusive), for which a Presidential Designation or Secretarial Declaration was requested for the disaster by June 12, 1997, and subsequently approved. Producers in counties that were not designated, but rather were contiguous to declared States and counties, are not eligible for benefits under this subpart. Benefits will be provided with respect to eligible livestock where the death occurred in the disaster areas between October 1, 1996, and June 12, 1997 (inclusive), and where the death of the livestock was reasonably related to the disaster which prompted the disaster declaration as determined by the Deputy Administrator or a designee. No payments will be made under this subpart unless the livestock losses were caused by the declared disaster and the disaster occurred between October 1, 1996, and June 12, 1997 (inclusive).

§ 1439.802 Administration.

(a) The provisions of §§ 1439.2, 1439.12 , 1439.14, 1439.15 and 1439.18 through 1439.20 are applicable to this subpart.

(b) The provisions of §§ 1439.1, 1439.4 through 1439.11, 1439.13, 1439.16, and 1439.21 through 1439.24, are not applicable to this subpart.

(c) The provisions of § 1439.17 (a) through (e) and (h) shall apply to this subpart and § 1439.17 (f) and (g) shall not apply to this subpart.

(d) The provisions of § 1439.3 shall apply as set forth in § 1439.803 of this subpart.

(e) Where extreme circumstances precluded the compliance with § 1439.804 due to circumstances beyond the applicant's control, the county or State committee may request that relief be granted by the Deputy Administrator under this section. Except for statutory deadlines, the Deputy Administrator may waive or modify deadlines, and other program requirements in cases where lateness or failure to meet such other requirements does not adversely affect operation of the program and where the applicant shows circumstances precluded their compliance with the deadlines.

§ 1439.803 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Livestock Indemnity Program of this subpart. The terms defined in section 1439.3 of this title shall also be applicable, except where those definitions conflict with the definitions set forth in this subpart. The following terms shall have the following meanings:

Deputy Administrator means the Deputy Administrator for Farm Programs, Farm Service Agency (FSA), or a designee.

Eligible livestock means beef and dairy cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food and buffalo and beefalo when maintained on the same basis as beef cattle.

Livestock producer means one who possesses a beneficial interest in eligible livestock as defined in this subpart, have a financial risk in the eligible livestock; and is a citizen of, or legal resident alien in, the United States. A farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation owns or jointly owns eligible livestock or poultry will be considered livestock producers. Any Indian tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act and Education Assistance Act); any Indian organization or entity chartered under

the Indian Reorganization Act or chartered under the Indian Reorganization Act; any tribal organization under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 will be considered livestock producers.

§ 1439.804 Sign-up period.

(a) A request for benefits under this subpart must be submitted to the Commodity Credit Corporation (CCC) at the Farm Service Agency county office serving the county where the loss occurred. All requests for benefits and supporting documentation must be filed in the county office by July 25, 1997, or such other date as established by CCC.

(b) Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be provided.

§ 1439.805 Proof of loss.

(a) Livestock producers must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof that the loss of eligible livestock occurred in the area of Presidential designation or Secretarial declaration and that the death of the eligible livestock was reasonably related to the recognized natural disaster. The documentary evidence of the loss, quantity of the loss and type of eligible livestock claimed for payment shall be reported to CCC together with any supporting documentation under paragraph (b) of this section.

(b) The livestock producer shall provide any available supporting documents that will assist the county committee in verifying the loss and the quantity of eligible livestock that perished in the natural disaster. Examples of the supporting documentation include, but are not limited to: purchase records, veterinarian receipts, bank loan papers, rendering truck certificates, Federal Emergency Management Agency and National Guard records, auction barn receipts, and any other documents available to confirm the presence of the livestock and the subsequent losses. Certifications of third parties or the producer and other such documentation as the county committee determines to be necessary in order to verify the information provided by the producer may be submitted, subject to review and approval by the county committee. Failure to provide documentation that is satisfactory to the county committee will result in disapproval of the application by the county committee.

(c) In all circumstances, livestock producers shall certify the accuracy of the information provided. As provided by various statutes, providing a false certification to the government is punishable by imprisonment, fines and other penalties. All information provided is subject to verification and spot checks by the CCC.

§ 1439.806 Indemnity Benefits.

(a) Livestock indemnity payments for losses of eligible livestock as determined by CCC are authorized to be made to livestock producers who file an Application for Livestock Indemnity Program, Form CCC–661, for the specific livestock category in accordance with instructions issued by the Deputy Administrator, if the:

(1) Livestock producer submits an approved proof of loss according to § 1439.805; and

(2) County or State committee determines that because of an eligible disaster condition the livestock producer had a loss in the specific livestock category in excess of the normal mortality rate established by CCC, based on the number of animals in the livestock category that were in the producer's inventory at the time of the disaster.

(b) If the number of losses in the animal category exceeds the normal mortality rate established by CCC for such category, the loss of eligible livestock that shall be used in making a payment shall be the number of animal losses in the animal category that exceed the normal mortality threshold established by CCC.

(c) Payments shall be made in an amount determined by multiplying: the national payment rate for the livestock category as determined by CCC by the amount specified in (b) of this section. Adjustments shall apply in accordance with § 1439.807.

(d) Payments which are earned by a person under the livestock indemnity program may be assigned in accordance with the provisions of 7 CFR part 1404.

§ 1439.807 Availability of funds.

(a) A uniform percentage of the estimated calculated payment amount, as determined by the Deputy Administrator, may be made prior to establishing the total amount of claims submitted under this subpart and determining whether a national percentage reduction is necessary to remain within the appropriation under this subpart.

(b) In the event that the total amount of claims submitted under this subpart exceeds the appropriation, each payment shall be reduced by a uniform national percentage. Such payment reductions shall be applied after the imposition of applicable payment limitation provisions.

§ 1439.808 Misrepresentation, scheme or device.

No benefits under this subpart will be made to a person who is determined by the State committee or the county committee to have:

(a) Adopted any scheme or other device which tends to defeat the purpose of this program;

(b) Made any fraudulent representation; or

(c) Misrepresented any fact affecting a program determination.

§ 1439.809 Limitations on payments and income.

(a) No person, as determined in accordance with part 1400 of this chapter may receive benefits under this subpart in excess of $50,000. Any other benefits obtained under this part will not be included in the calculation of the $50,000 for the application of this subpart.

(b) No person, as defined in Part 1400 of this chapter, as applicable, with annual gross receipts in excess of $2.5 million for the preceding tax year will be eligible for benefits under this subpart. For the purpose of this determination, annual gross receipts means with respect to a person who receives more than 50 percent of such person's gross income from farming and ranching, the total gross receipts received from such operations; and with respect to a person who receives 50 percent or less of such person's gross receipts from farming and ranching, the total gross receipts from all sources.

§ 1439.810 Refunds to CCC; joint and several liability.

(a) Section 1439.17 (a) through (e) shall apply to this subpart.

(b) Persons who are a party to the livestock indemnity program application must refund to CCC any excess payments made by CCC with respect to such application.

(c) In the event that a benefit under this subpart was established as the result of erroneous information provided by any person, the benefit must be repaid with any applicable interest.

PARTS 1414, 1415, 1416, 1434, 1437, 1468, 1477, 1479, AND 1489—[REMOVED]

2. Parts 1414, 1415, 1416, 1434, 1437, 1468, 1477, 1479, and 1489 are removed.

Signed at Washington, DC, on June 19, 1997.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 97–16578 Filed 6–20–97; 12:52 pm]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–020]

Establishment of Class E Airspace; Sayre, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Sayre, PA, to accommodate a Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), serving the Robert Parker Hospital Heliport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations to the heliport.

EFFECTIVE DATE: 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA–530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 30, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace at Sayre, PA (62 FR 23404). This action would provide adequate Class E airspace for IFR operations to Robert Parker Hospital Heliport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas 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 designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes Class E airspace area at Sayre, PA, to accommodate a GPS SIAP Point In Space Approach and for IFR operations to Robert Parker Hospital Heliport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 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 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Sayre, PA [New]

Robert Parker Hospital Heliport, PA
Point In Space Coordinates
(Lat. 41°59′15″N., 76°31′52″W.]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Robert Parker Hospital Heliport.

* * * * *

Issued in Jamaica, New York on June 10, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–16469 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–021]

Establishment of Class E Airspace; Centerville, MD

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Action rule.

SUMMARY: This action establishes Class E airspace at Centerville, MD, to accommodate a Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), serving the Maryland State Police Trooper 6 Heliport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations to the heliport.

EFFECTIVE DATE: 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA–530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 30, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Centerville, MD (62 FR 23407). This action would provide adequate Class E airspace for IFR operations to Heliport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas 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 designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace area at Centerville, MD, to accommodate a GPS SIAP Point In Space Approach and for IFR operations to the Maryland State Police Trooper 6 Heliport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will 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).

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

* * * * *

AEA MD E5 Centerville, MD [New]

Maryland State Police Trooper 6 Heliport, MD Point In Space Coordinates
(Lat 39°01′21″N., long. 76°00′34″W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Maryland State Police Trooper 6 Heliport.

* * * * *

Issued in Jamaica, New York on June 10, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–16467 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–022]

Establishment of Class E Airspace; Fort McHenry, MD

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Fort McHenry, MD, to accommodate a Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), serving the Maryland State Police Heliport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations to the heliport.

EFFECTIVE DATE: 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA–530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 30, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Fort McHenry, MD (62 FR 23406). This action would provide adequate Class E airspace for IFR operations to Heliport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas 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 designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace area at Fort McHenry, MD, to accommodate a GPS SIAP Point In Space Approach and for IFR operations to the Maryland State Police Heliport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 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 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA MD E5 Fort McHenry, MD [New]

Maryland State Police Heliport, MD
Point In Space Coordinates
(Lat. 39°15′16″ N., long. 76°34′06″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving the Maryland State Police Heliport excluding that portion that coincides with the Baltimore, MD Class E airspace area.

* * * * *

Issued in Jamaica, New York on June 10, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–16466 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AAL–4]

Revision of Class E Airspace; Kodiak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Kodiak Airport, AK. The creation of the CHINI fix on the front course of the localizer to runway (RWY) 25 at Kodiak, AK, has made this action necessary. Holding is established at CHINI from 1,600 feet MSL through 6,000 feet MSL. The protected airspace needed for the CHINI holding pattern at these altitudes will extend beyond the currently established Class E airspace. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kodiak Airport, AK.

EFFECTIVE DATES: 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number: (907) 271–5863; email: Robert.van.Haastert@faa.dot.gov. Internet: www.alaska.faa.gov/at or www.mmac.jccbi.gov/aal/at.

SUPPLEMENTARY INFORMATION:

History

On May 9, 1997, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Kodiak was published in the **Federal Register** (62 FR 25568). The creation of the CHINI fix on the front course of the localizer to runway (RWY) 25 at Kodiak, AK, has made this action necessary. Holding is established at CHINI from 1,600 feet MSL through 6,000 feet MSL. The protected airspace needed for the CHINI holding pattern at these altitudes will extend beyond the currently established Class E airspace.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No negative comments to the proposal were received, thus the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996. Paragraph 6005 is incorporated by reference in 14 CFR 71.1 (61 FR 48403; September 13, 1996). The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revises Class E airspace located at Kodiak, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument holding procedures at Kodiak, AK.

The Federal Aviation Administration 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. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 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 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Kodiak, AK [Revised]

Kodiak Airport, AK
(Lat. 57° 45′ 00″ N, long. 152° 29′ 38″ W)
Kodiak VORTAC
(Lat. 57° 46′ 30″ N, long. 152° 20′ 23″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Kodiak Airport and within 5 miles south and 9 miles north of the 070° radial of the Kodiak VORTAC extending to 17 miles northeast of the VORTAC and within 8 miles north and 4 miles south of the Kodiak Localizer front course extending from the airport to 20.3 miles east of the airport and within 14 miles of the Kodiak VORTAC extending from the 358° radial clockwise to the 107° radial; and that airspace extending upward from 1,200 feet above the surface within 27 miles of the Kodiak VORTAC extending clockwise from the 023° radial to the 088° radial and within 8 miles north and 5 miles south of the Kodiak Localizer front course extending from the airport to 32 miles east of the airport.

* * * * *

Issued in Anchorage, AK, on June 13, 1997.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 97–16464 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASO–4]

Amendment to Class E Airspace; Macon, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace area at Macon, GA. Several Standard Instrument Approach Procedures (SIAPs) for Middle Georgia Regional Airport and Perry-Houston County Airport have been amended. As a result additional controlled airspace extending upward from 700 feet above ground level (AGL) is needed to accommodate these SIAPs and for

Instrument Flight Rules (IFR) operations at the airports.

EFFECTIVE DATE: 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Wade Carpenter, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5581.

SUPPLEMENTARY INFORMATION:

History

On April 14, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying Class E airspace at Macon, GA (62 FR 18068). This action would provide adequate Class E airspace for IFR operations at the Middle Georgia Regional and Perry-Houston County Airports.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Designations for Class E airspace 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. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class E airspace at Macon, GA. Several Standard Instrument Approach Procedures (SIAPs) for Middle Georgia Regional Airport and Perry-Houston County Airport have been amended. As a result additional controlled airspace extending upward from 700 feet above ground level (AGL) is needed to accommodate these SIAPs and for IFR operations at the airports.

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 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.

* * * * *

ASO GA E5 Macon, GA [Revised]

Macon, Middle Georgia Regional Airport, GA
(Lat. 32°41′34″ N, long. 83°3′857″ W)
Herbert Smart Downtown Airport
(Lat. 32°49′21″ N, long. 83°33′44″ W)
Robins AFB
(Lat. 32°38′25″ N, long. 83°35′31″ W)
Perry-Houston County Airport
(Lat. 32°30′38″ N, long. 83°46′02″ W)
Vienna VORTAC
(Lat. 32°12′48″ N, long. 83°29′50″ W)
Sofke NDB
(Lat. 32°38′43″ N, long. 83°42′48″ W)
Bay Creek NDB
(Lat. 32°27′27″ N, long. 83°45′57″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Herbert Smart Downtown Airport, and within a 7-mile radius of Middle Georgia Regional Airport, and within 2.8 miles each side of the 228° bearing from the Sofke NDB extending from the 7-mile radius 4.4 miles southwest of the NDB, and within a 7-mile radius of Robins AFB, and within a 6.5-mile radius of Perry-Houston County Airport and within 3.5 miles each side of the 178° bearing from the Bay Creek NDB extending from the 6.5-mile radius to 3.7 miles south of the NDB, and within 2.5 miles each side of Vienna VORTAC 321° radial extending from the 6.5-mile radius to 14 miles northwest of the VORTAC.

* * * * *

Issued in College Park, Georgia, on June 12, 1997.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 97–16461 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–023]

Establishment of Class E Airspace; University of Maryland, Baltimore, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the University of Maryland, Baltimore, MD, to accommodate a Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach based on the Global Positioning System (GPS), and serving the Cowley Shock Trauma Center Heliport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations to the heliport.

EFFECTIVE DATE: 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA–530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 30, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace at the University of Maryland, Baltimore, MD (62 FR 23405). This action would provide adequate Class E airspace for IFR operations to Cowley Shock Trauma Center Heliport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas 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

designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes Class E airspace area at University of Maryland, Baltimore, MD, to accommodate a GPS SIAP Point In Space Approach and for IFR operations to the Cowley Shock Trauma Center Heliport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 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 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA MD E5 University of Maryland, Baltimore, MD [New]

Cowley Shock Trauma Center Heliport, MD
Point In Space Coordinates
(Lat. 39°16′36″ N., long. 76°39′25″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving the Cowley Shock Trauma Center Heliport excluding that portion that coincides with the Baltimore, MD Class E airspace area.

* * * * *

Issued in Jamaica, New York, on June 10, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–16459 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 28943; Amdt. No. 1804]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airpsace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large numbers of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA forms documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the

following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 13, 1997.

David E. Hanley,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * *effective upon publication*

FDC date	State	City	Airport	FDC No.	SIAP
05/16/97	MI	Detroit	Detroit Metropolitan Wayne County	FDC 7/2856	ILS Rwy 3R, Amdt 12A...
05/28/97	MI	Detroit	Detroit Metropolitan Wayne County	FDC 7/3165	VOR or GPS Rwy 21R, Amdt 1A...
05/29/97	NC	Greenville	Pitt-Greenville	FDC 7/3201	NDB Rwy 19, Amdt 14A...
05/29/97	NC	Greenville	Pitt-Greenville	FDC 7/3202	RNAV Rwy 25, Amdt 3...
05/30/97	VI	Christiansted	Henry E. Rohlsen	FDC 7/3238	ILS Rwy 9, Amdt 5...
05/30/97	AK	Galena	Edward G. Pitka Sr	FDC 7/3251	VOR or GPS Rwy 25, Amdt 9D...
05/30/97	KS	Chanute	Chanute Martin Johnson	FDC 7/3242	VOR/DME RNAV or GPS Rwy 36, Amdt 3A...
05/30/97	KS	Emporia	Emporia Muni	FDC 7/3243	VOR/DME RNAV or GPS Rwy 19, Amdt 7...
05/30/97	KS	Emporia	Emporia Muni	FDC 7/3244	VOR or GPS–A, Amdt 12...
05/30/97	KS	Parsons	Tri-City	FDC 7/3241	VOR/DME RNAV Rwy 35, Amdt 5A...
05/30/97	TX	Huntsville	Huntsville Muni	FDC 7/3246	NDB or GPS Rwy 18, Orig...
05/30/97	TX	Huntsville	Huntsville Muni	FDC 7/3249	VOR/DME or GPS–A, Amdt 5...
06/03/97	AK	Anchorage	Anchorage Intl	FDC 7/3341	NDB Rwy 6R, Amdt 6B...
06/03/97	AZ	Flagstaff	Flagstaff Pulliam	FDC 7/3317	ILS/DME Rwy 21 Orig...
06/03/97	AZ	Flagstaff	Flagstaff Pulliam	FDC 7/3314	VOR or GPS–A Amdt 3...
06/03/97	AZ	Flagstaff	Flagstaff Pulliam	FDC 7/3315	GPS Rwy 21 Orig...
06/03/97	AZ	Flagstaff	Flagstaff Pulliam	FDC 7/3316	VOR/DME Rwy 21 Orig...
06/03/97	AZ	Flagstaff	Flagstaff Pulliam	FDC 7/3321	NDB/DME Rwy 21 Amdt 1...
06/03/97	KS	Olathe	New Century Aircenter	FDC 7/3323	VOR or GPS–A, Amdt 4...
06/03/97	KS	Olathe	New Century Aircenter	FDC 7/3325	ILS Rwy 35, Amdt 4...
06/03/97	KS	Olathe	New Century Aircenter	FDC 7/3326	NDB or GPS Rwy 35, Amdt 4...
06/03/97	MI	Ann Arbor	Ann Arbor Muni	FDC 7/3329	RNAV Rwy 25, Amdt 6...
06/03/97	MI	Ann Arbor	Ann Arbor Muni	FDC 7/3330	VOR or GPS Rwy 6, Amdt 13...
06/03/97	MI	Ann Arbor	Ann Arbor Muni	FDC 7/3331	VOR or GPS Rwy 24, Amdt 13...
06/03/97	NC	Charlotte	Charlotte/Douglas Intl	FDC 7/3340	ILS Rwy 18L Amdt 3...
06/03/97	NC	Raleigh/Durham	Raleigh-Durham Intl	FDC 7/3336	ILS Rwy 5R Amdt 25A...
06/03/97	NC	Raleigh/Durham	Raleigh-Durham Intl	FDC 7/3337	ILS Rwy 5L Amdt 3B...
06/03/97	NC	Raleigh/Durham	Raleigh-Durham Intl	FDC 7/3338	ILS Rwy 23L Amdt 5C...
06/03/97	NC	Raleigh/Durham	Raleigh-Durham Intl	FDC 7/3339	ILS Rwy 23R Amdt 8A...
06/04/97	WI	Waukesha	Waukesha County	FDC 7/3379	VOR or GPS–A, Amdt 15...

FDC date	State	City	Airport	FDC No.	SIAP
06/04/97	IA	Dubuque	Dubuque Regional	FDC 7/3383	ILS Rwy 31, Amdt 10B...
06/04/97	IA	Dubuque	Dubuque Regional	FDC 7/3385	VOR or GPS Rwy 13, Amdt 8B...
06/04/97	IA	Dubuque	Dubuque Regional	FDC 7/3386	VOR Rwy 31, Amdt 11A...
06/04/97	IA	Dubuque	Dubuque Regional	FDC 7/3387	VOR or GPS Rwy 36, Amdt 5B...
06/04/97	IA	Dubuque	Dubuque Regional	FDC 7/3388	NDB or GPS Rwy 31, Amdt 8A...
06/04/97	MN	Minneapolis	Crystal	FDC 7/3381	VOR or GPS–A, Amdt 9A...
06/04/97	MN	Minneapolis	Flying Cloud	FDC 7/3353	VOR or GPS Rwy 36, Amdt 11...
06/04/97	MN	Minneapolis	Flying Cloud	FDC 7/3354	VOR or GPS Rwy 9R, Amdt 7...
06/04/97	MN	Minneapolis	Flying Cloud	FDC 7/3355	ILS Rwy 9R, Amdt 1...
06/04/97	MN	Minneapolis	St Paul Downtown Holman Field	FDC 7/3382	ILS Rwy 32, Amdt 3B...
06/04/97	WI	Oshkosh	Wittman Regional	FDC 7/3369	GPS Rwy 27, Orig...
06/04/97	WI	Oskhosh	Wittman Regional	FDC 7/3370	NDB or GPS Rwy 36, Amdt 5...
06/04/97	WI	Oshkosh	Wittman Regional	FDC 7/3371	VOR Rwy 36, Amdt 16...
06/04/97	WI	Oshkosh	Wittman Regional	FDC 7/3372	VOR Rwy 9, Amdt 8A...
06/04/97	WI	Oshkosh	Wittman Regional	FDC 7/3375	VOR or GPS Rwy 18, Amdt 6...
06/04/97	WI	Oshkosh	Wittman Regional	FDC 7/3376	ILS Rwy 36, Amdt 6...
06/04/97	WI	Oshkosh	Wittman Regional	FDC 7/3377	LOC/DME BC Rwy 18, Amdt 5...
06/04/97	WI	Waukesha	Waukesha County	FDC 7/3380	NDB or GPS Rwy 28, Amdt 3...
06/05/97	NE	Alliance	Alliance Muni	FDC 7/3395	VOR Rwy 12, Amdt 2B...
06/05/97	IA	Dubuque	Dubuque Regional	FDC 7/3407	LOC/DME BC Rwy 13, Amdt 4A...
06/05/97	NE	Alliance	Alliance Muni	FDC 7/3394	VOR Rwy 30, Amdt 1A...
06/05/97	NV	Battle Mountain	Battle Mountain	FDC 7/3409	VOR or GPS–A Amdt 3...
06/05/97	WI	Oshkosh	Wittman Regional	FDC 7/3400	VOR Rwy 27, Amdt 4...
06/06/97	MS	West Point	McCaren Field	FDC 7/3439	RNAV or GPS Rwy 36 Amdt 3...
06/06/97	MS	West Point	McCaren Field	FDC 7/3444	VOR or GPS–A Amdt 3...
06/06/97	SC	Newberry	Newberry Muni	FDC 7/3438	NDB Rwy 22 Amdt 4...
06/09/97	AZ	Phoenix	Phoenix-Deer Valley Muni	FDC 7/3475	GPS–A Orig...
06/09/97	AZ	Tucson	Tucson Intl	FDC 7/3474	ILS Rwy 11L Amdt 12A...
06/10/97	IN	Anderson	Anderson Municipal-Darlington Field	FDC 7/3521	VOR or GPS–A, Amdt 8...
06/10/97	MI	West Branch	West Branch Community	FDC 7/3512	VOR Rwy 27, Orig–B...

[FR Doc. 97–16530 Filed 6–23–97; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 28942; Amdt. No. 1803]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation

by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 13, 1997.

David E. Hanley,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPS; and § 97.35 COPTER SIAPs, identified as follows:

****Effective June 19, 1997*

Clinton, NC, Sampson County, NDB OR GPS RWY 6, Amdt 5

****Effective July 17, 1997*

Brunswick, GA, Malcolm McKinnon, VOR RWY 4, Amdt 15
Rockland, ME, Knox County Regional, LOC RWY 13, Orig, Cancelled
Rockland, ME, Knox County Regional, ILS RWY 13, ORIG
Kansas City, MO, Richards-Gebaur Memorial, NDB RWY 1, Orig
Kansas City, MO, Richards-Gebaur Memorial, ILS RWY 1, Admt 5

****Effective August 14, 1997*

North Vernon, IN, North Vernon, NDB OR GPS RWY 5, Amdt 5
Marshall, MN, Marshall Muni-Ryan Field, GPS RWY 30, Orig
Allentown, PA, Lehigh Valley Intl, NDB OR GPS RWY 6, Amdt 17
Clearfield, PA, Clearfield-Lawrence, VOR RWY 30, Amdt 5
Pine Ridge, SD, Pine Ridge, GPS RWY 30, Orig
Dublin, VA, New River Valley, VOR OR GPS-–A, Amdt 8
Dublin, VA, New River Valley, VOR/DME OR GPS RWY 6, Amdt 7
Dublin, VA, New River Valley, ILS RWY 6, Amdt 4
Eagle River, WI, Eagle River Union, GPS RWY 4, Orig
Shawano, WI, Shawano Muni, GPS RWY 29, Orig
Big Piney, WY, Big Piney-Marbleton, GPS RWY 31, Orig

****Effective September 11, 1997*

Bentonville, AR, Bentonville Muni/Louise M Thadden Field, GPS RWY 17, Orig
Bentonville, AR, Bentonville Muni/Louise M Thadden Field, GPS RWY 35, Orig
San Martin, CA, South County Arpt of Santa Clara County, GPS RWY 32, Orig
Santa Ynez, CA, Santa Ynez, GPS–A, Orig
Denver, CO, Denver Intl, ILS RWY 8, Amdt 2
Lamar, CO, Lamar Muni, VOR RWY 18, Amdt 10
Lamar, CO, Lamar Muni, VOR/DME RWY 36, Amdt 1
Lamar, CO, Lamar Muni, GPS RWY 18, Orig
Plant City, FL, Plant City Muni, NDB OR GPS RWY 9, Amdt 1
Plant City, FL, Plant City Muni, GPS RWY 9, Orig
Peoria, IL, Greater Peoria Regional, ILS/DME RWY 4, Orig-B, Cancelled
Peoria, IL, Greater Peoria Regional, ILS RWY 4, Orig
Presque Isle, ME, Northern Maine Regional Arpt at Presque Isle, ILS RWY 1, Amdt 5
Carrollton, OH, Carroll County-Tolson, GPS RWY 7, Orig
Findlay, OH, Findlay, GPS RWY 18, Orig
Ogden, UT, Ogden-Hinckley, GPS RWY 7, Orig
Oconto, WI, Oconto Muni, GPS RWY 11, Orig.

****Effective Upon Publication*

Galveston, TX, Scholes Field, VOR OR GPS RWY 13, Amdt 2
Galveston, TX, Scholes Field, ILS RWY 13, Amdt 9

Note: The FAA published the following procedures in Docket No. 28914, Amdt. No. 1799 to part 97 of the Federal Aviation Regulations (VOL 62, No. 103, Page 29005, dated Thursday, May 29, 1997) under Section 97.23 effective June 19, 1997, which are hereby amended as follows:

Change effective date to 17 July 1997 for the following procedures:

Deadhorse, AK, Deadhorse, VOR/DME or TACAN or GPS RWY 4, Amdt 4, Cancelled
Gustavus, AK, Gustavus, VOR/DME or GPS–B, Amdt 3B, Cancelled

Note: The FAA published the following procedures in Docket No. 28907, Amdt. No. 1797 to part 97 of the Federal Aviation Regulations (Vol 62, FR No. 89, Page 25113; dated May 8, 1997) under Section 97.33 effective July 17, 1997, which are hereby amended as follows:

Hayden, Co. Yampa Valley, GPS-–A, Orig., Should Read: GPS–C, Orig
Hayden, Co. Yampa Valley, GPS–B, Orig., Should Read: GPS–D, Orig

Note: The FAA published the following procedures in Docket No. 28915, Amdt No. 1800 to part 97 of the Federal Aviation Regulations (Vol 62, FR No. 103, Page 29005; dated May 29, 1997) under Section 97.33 effective July 17, 1997 is hereby rescinded:

Olean, NY, Cattaraugus County-Olean, RNAV OR GPS RWY 22, Amdt 4a, Cancelled

[FR Doc. 97–16529 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 28944; Amdt. No. 1805]

RIN2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include ''or GPS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove ''or GPS'' from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entitles under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 13, 1997.

David E. Hanley,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective July 17, 1997*

Kake, AK, Kake, NDB or GPS RWY 10, Orig Cancelled
Kake, AK, Kake, NDB RWY 10, Orig
Arkadelphia, AR, Arkadelphia Muni, NDB or GPS RWY 4, Amdt 6 Cancelled
Arkadelphia, AR, Arkadelphia Muni, NDB RWY 4, Amdt 6
Burlington, CO, Kit Carson County, NDB or GPS RWY 15, Orig Cancelled
Burlington, CO, Kit Carson County, NDB RWY 15, Orig
Hayden, CO, Yampa Valley, VOR/DME or GPS–B, Orig Cancelled
Hayden, CO, Yampa Valley, VOR/DME–B, Orig
Hayden, CO, Yampa Valley, VOR or GPS–A, Amdt 3 Cancelled
Hayden, CO, Yampa Valley, VOR–A, Amdt 3
Lake City, FL, Lake City Muni, NDB or GPS RWY 28, Amdt 1 Cancelled
Lake City, FL, Lake City Muni, NDB RWY 28, Amdt 1
Marco Island, FL, Marco Island, VOR/DME or GPS RWY 17, Amdt 6 Cancelled
Marco Island, FL, Marco Island, VOR/DME RWY 17, Amdt 6
Tampa, FL, Tampa Intl, VOR or GPS RWY 9, Amdt. 7B Cancelled
Tampa, FL, Tampa Intl, VOR RWY 9, Amdt. 7B
Brunswick, GA, Malcolm McKinnon, VOR or GPS RWY 4, Amdt 14B Cancelled
Brunswick, GA, Malcolm McKinnon, VOR RWY 4, Amdt 14B
Macon, GA, Middle Georgia Regional, VOR or GPS RWY 13, Amdt 7B Cancelled
Macon, GA, Middle Georgia Regional, VOR RWY 13, Amdt 7B
Macon, GA, Middle Georgia Regional, VOR or GPS RWY 23, Amdt 1A Cancelled
Macon, GA, Middle Georgia Regional, VOR RWY 23, Amdt 1A
Macon, GA, Middle Georgia Regional, NDB or GPS RWY 5, Amdt 20A Cancelled
Macon, GA, Middle Georgia Regional, NDB RWY 5, Amdt 20A
Newnan, GA, Newnan-Coweta County, NDB or GPS RWY 32, Amdt 3 Cancelled
Newnan, GA, Newnan-Coweta County, NDB RWY 32, Amdt 3
Crawfordsville, IN, Crawfordsville Muni, NDB or GPS RWY 4, Amdt 4 Cancelled
Crawfordsville, IN, Crawfordsville Muni, NDB RWY 4, Amdt 5
Huntington, IN, Huntington Muni, NDB or GPS RWY 9, Orig Cancelled
Huntington, IN, Huntington Muni, NDB RWY 9, Orig
Sullivan, IN, Sullivan County, NDB or GPS RWY 36, Amdt 6 Cancelled
Sullivan, IN, Sullivan County NDB RWY 36, Amdt 6
Washington, IN, Daviess County, NDB or GPS RWY 18, Amdt 5 Cancelled
Washington, IN, Daviess County, NDB RWY 18, Amdt 5
Mount Sterling, KY, Mount Sterling-Montgomery County, NDB or GPS RWY 21, Amdt 1 Cancelled
Mount Sterling, KY, Mount Sterling-Montgomery County, NDB RWY 21, Amdt 1
Monticello, KY, Wayne County, NDB or GPS RWY 21, Amdt 1 Cancelled
Monticello, KY, Wayne County, NDB RWY 21, Amdt 1
Vandalia, IL, Vandalia Muni, VOR or GPS RWY 18, Amdt 11 Cancelled
Vandalia, IL, Vandalia Muni, VOR RWY 18, Amdt 11
Houlton, ME, Houlton Intl, VOR or GPS RWY 5, Amdt 9A Cancelled
Houlton, ME, Houlton Intl, VOR RWY 5, Amdt 9A
Drummond Island, MI, Drummond Island, NDB or GPS RWY 26, Amdt 1 Cancelled
Drummond Island, MI, Drummond Island, NDB RWY 26, Amdt 1
Chadron, NE, Chadron Muni, VOR/DME or GPS RWY 2, Amdt 1A Cancelled
Chadron, NE, Chadron Muni, VOR/DME RWY 2, Amdt 1A
Fremont, NE, Fremont Muni, NDB or GPS RWY 13, Amdt 2A Cancelled
Fremont, NE, Fremont Muni, NDB RWY 13, Amdt 2A
Valentine, NE, Miller Field, NDB or GPS RWY 31, Amdt 6B Cancelled
Valentine, NE, Miller Field, NDB RWY 32, Amdt 6B
Wahoo, NE, Wahoo Muni, NDB or GPS RWY 20, Amdt 2 Cancelled
Wahoo, NE, Wahoo Muni, NDB RWY 20, Amdt 2
Raton, NM, Raton Municipal/Crews Field, NDB or GPS RWY 2, Amdt 3A Cancelled
Raton, NM, Raton Municipal/Crews Field, NDB RWY 2, Amdt 4
Battle Mountain, NV, Battle Mountain, VOR/DME or GPS RWY 3, Amdt 4 Cancelled
Battle Mountain, NV, Battle Mountain, VOR/DME RWY 3, Amdt 4
Johnstown, NY, Fulton County, NDB or GPS RWY 10, Amdt 1 Cancelled
Johnstown, NY, Fulton County, NDB RWY 10, Amdt 1
Olean, NY, Cattaraugus County-Olean, RNAV or GPS RWY 22, Amdt 4A Cancelled
Olean, NY, Cattaraugus County-Olean, RNAV RWY 22, Amdt 4A
Schenectady, NY, Schenectady County, NDB or GPS RWY 22, Amdt 14 Cancelled
Schenectady, NY, Schenectady County, NDB RWY 22, Amdt 14
Schenectady, NY, Schenectady County, NDB or GPS RWY 28, Amdt 9 Cancelled
Schenectady, NY, Schenectady County, NDB RWY 28, Amdt 9
Delaware, OH, Delaware Muni, VOR or GPS RWY 28, Amdt 5 Cancelled
Delaware, OH, Delaware Muni, VOR RWY 28, Amdt 5
Delaware, OH, Delaware Muni, NDB or GPS RWY 10, Amdt 4 Cancelled
Delaware, OH, Delaware Muni, NDB RWY 10, Amdt 4
Marysville, OH, Union County, NDB or GPS RWY 27, Amdt 5 Cancelled
Marysville, OH, Union County, NDB RWY 27, Amdt 5
Duncan, OK, Halliburton Field, VOR or GPS RWY 35, Amdt 10 Cancelled
Duncan, OK, Halliburton Field, VOR RWY 35, Amdt 10
Idabel, OK, Idabel, NDB or GPS RWY 17, Amdt 3 Cancelled
Idabel, OK, Idabel, NDB RWY 17, Amdt 3
Clearfield, PA, Clearfield-Lawrence, VOR or GPS RWY 30, Amdt 4 Cancelled
Clearfield, PA, Clearfield-Lawrence, VOR RWY 30, Amdt 4
Lafayette, TN, Lafayette Muni, NDB or GPS RWY 19, Amdt 2B Cancelled
Lafayette, TN, Lafayette Muni, NDB RWY 19, Amdt 2B
Richmond/Ashland, VA, Hanover County Muni, NDB or GPS RWY 16, Orig Cancelled
Richmond/Ashland, VA, Hanover County Muni, NDB RWY 16, Orig
Suffolk, VA, Suffolk Muni, NDB or GPS RWY 7, Amdt. 1B Cancelled
Suffolk, VA, Suffolk Muni, NDB RWY 7, Amdt. 1B
Everett, WA, Snohomish County (Paine Fld), NDB or GPS RWY 16R, Amdt 12A Cancelled
Everett, WA, Snohomish County (Paine Fld), NDB RWY 16R, Amdt 12A
Manitowish Waters, WI, Manitowish Waters, NDB or GPS RWY 32, Orig Cancelled
Manitowish Waters, WI, Manitowish Waters, NDB RWY 32, Orig

[FR Doc. 97–16528 Filed 6–23–97; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175 and 178

[Docket No. 96F–0292]

Indirect Food Additives: Adhesives and Components of Coatings; and 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 polyethyleneglycol alkyl(C_{10}–C_{12}) ether sulfosuccinate, disodium salt as a component of adhesives and as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles intended for use in contact with food. This action is in response to a petition filed by Cytec Industries, Inc.

DATES: Effective June 24, 1997; written objections and requests for a hearing by July 24, 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: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 26, 1996 (61 FR 43771), FDA

announced that a food additive petition (FAP 6B4518) had been filed by Cytec, Industries Inc., 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 § 175.105 *Adhesives* (21 CFR 175.105) and § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) to provide for the safe use of polyethyleneglycol alkyl(C_{10}–C_{12}) ether sulfosuccinate, disodium salt as a component of adhesives and as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles intended for use in contact with food.

Previously, the subject additive was listed in §§ 175.105 (43 FR 16311, April 18, 1978) and 178.3400 (58 FR 26684, May 5, 1993) with an alternative name (sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether, disodium salt with a corresponding CAS Reg. No. of 39354–45–5). Subsequently, the petitioner found that the ethoxylated alcohol used to synthesize the polyethylene glycol dodecyl ether portion of the additive contained not a single C_{12} species, but was a mixture consisting predominantly of C_{10}–C_{12} alcohols. This final rule, in effect, lists the correct chemical description and the corresponding CAS Reg. No. of the additive.

All of the chemistry and safety data presented in the earlier petitions (FAP's 8B3350 and 9B4120) resulting in the regulations cited above are incorporated in the present petition and remain unchanged. There are no compositional changes to the additive, its method of manufacture, use level, or technical effect. Further, there is no change in the safety evaluation. (For a full discussion of the safety evaluation, see 43 FR 16311 and 58 FR 26684.)

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive in adhesives and as an emulsifier and/or surface-active agent is safe, that the additive will have the intended technical effect, and, therefore, that §§ 175.105 and 178.3400 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.

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. No comments were received during the 30-day comment period specified in the filing notice for comments on the environment assessment submitted with the petition.

Any person who will be adversely affected by this regulation may at any time on or before July 24, 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.

List of Subjects

21 CFR Part 175

Adhesives, Food additives, Food packaging.

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 and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 175 and 178 are amended to read as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 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 175.105 is amended in the table in paragraph (c)(5) by alphabetically adding a new entry under the heading ''Substances'' to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * * * *	
Polyethyleneglycol alkyl(C_{10}–C_{12}) ether sulfosuccinate, disodium salt (CAS Reg. No. 68954–91–6).	
* * * * * * *	

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AID, 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 178.3400 is amended in the table in paragraph (c) by alphabetically adding a new entry under the headings ''List of Substances'' and ''Limitations'' to read as follows:

§ 178.3400 Emulsifiers and/or surface-active agents.

* * * * *

(c) * * *

List of Substances	Limitations
* * *	* * * *
Polyethyleneglycol alkyl(C_{10}–C_{12}) ether sulfosuccinate, disodium salt (CAS Reg. No. 68954–91–6).	For use only at levels not to exceed 5 percent by weight of total monomers used in the emulsion polymerization of polyvinyl acetate, acrylic, and vinyl/acrylic polymers intended for use as coatings for paper and paperboard.
* * *	* * * *

* * * * *

Dated: June 5, 1997.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 97–16399 Filed 6–23–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 524 and 556

Animal Drugs, Feeds, and Related Products; Eprinomectin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Research Laboratories, Division of Merck & Co., Inc. The NADA provides for use of eprinomectin on cattle for treatment and control of certain gastrointestinal roundworms, lungworms, cattle grubs, lice, mange mites, and flies. The regulations are also amended to provide for a tolerance for residues of the drug in milk and in edible tissues.

EFFECTIVE DATE: June 24, 1997.

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

SUPPLEMENTARY INFORMATION: Merck Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065–0914, filed NADA 141–079, which provides for the use of Ivomec® Eprinex™ Pour-On (5 milligrams per milliliter eprinomectin) on cattle for the treatment and control of gastrointestinal roundworm, lungworm, cattle grub, lice, mange mite, and fly infections. The NADA is approved as of April 16, 1997, and the regulations are amended by adding new § 524.814 to reflect the approval. The regulations are also amended to provide for a tolerance for eprinomectin residues in milk and edible cattle tissues in new § 556.227. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act, this approval qualifies for a 5-year period of marketing exclusivity beginning April 16, 1997, because no active ingredient (including any ester or salt of the active ingredient) of the drug has been approved in any other application filed under section 512(b)(1) of the act.

FDA 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. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 524

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 524 and 556 are amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

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

2. New § 524.814 is added to read as follows:

§ 524.814 Eprinomectin.

(a) *Specifications.* Each milliliter contains 5 milligrams of eprinomectin.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.227 of this chapter.

(d) *Conditions of use*—(1) *Amount.* One milliliter (5 milligrams) per 10 kilograms of body weight (500 micrograms per kilogram).

(2) *Indications for use.* The drug used in beef and dairy cattle for the treatment and control of adult and fourth stage larvae (L4) gastrointestinal nematodes (*Haemonchus placei, Ostertagia*

ostertagi (including inhibited L4)), *Trichostrongylus axei, T. colubriformis, Cooperia oncophora, C. punctata, C. surnabada, Nematodirus helvetianus, Bunostomum phlebotomum, Oesophagostomum radiatum, Trichuris* spp. (adults); lungworms (adult and L4) (*Dictyocaulus viviparus*); cattle grubs (all parasitic stages) (*Hypoderma lineatum, H. bovis*); lice (*Damalinia bovis, Linognathus vituli, Haematopinus eurysternus, Solenopotes capillatus*); mange mites (*Chorioptes bovis, Sarcoptes scabiei*), and flies (*Haematobia irritans*). Controls *H. irritans* for 7 days and *D. vivaparus* for 21 days after treatment.

(3) *Limitations.* Apply topically along backbone from withers to tailhead. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: Secs. 402, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 360b, 371).

4. New § 556.227 is added to subpart B to read as follows:

§ 556.227 Eprinomectin.

Tolerances are established for residues of eprinomectin B1a (marker residue) in milk of 12 parts per billion and in liver (target tissue) of 4.8 parts per million.

Dated: June 5, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97–16398 Filed 6–23–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 552

[APG Reg 1–1]

Protests, Picketing, and Other Similar Demonstrations on the Installation of Aberdeen Proving Ground, MD

AGENCY: Department of the Army, DoD.

ACTION: Final Rule.

SUMMARY: This final rule establishes 32 CFR Part 552, Subpart P, Protests, Picketing, and Other similar Demonstrations, and authenticates Aberdeen Proving Ground Regulation, APG Reg. 1–1. This subpart implements policies, responsibilities, and procedures for protests, picketing, and other similar demonstration on the Aberdeen Proving Ground military reservation. This regulation is applicable to all personnel assigned, residing, working, or visiting on the Aberdeen Proving Ground reservation.

EFFECTIVE DATE: June 24, 1997.

ADDRESSES: Commander, U.S. Army Test and Evaluation Command, Office of the Chief Counsel and Staff Judge Advocate, Aberdeen Proving Ground, Maryland 21005.

FOR FURTHER INFORMATION CONTACT: Laura R. Haug, Deputy Chief Counsel, telephone (410) 278–1105 or 1107.

SUPPLEMENTARY INFORMATION: Supplementation of this subpart by subordinate units is prohibited.

On April 2, 1997, we published the proposed rule in the Notice of Proposed Rulemaking section of the **Federal Register** (Vol. 62, No. 63, pages 15639–15640) with the comment period ending on May 2, 1997.

We did not receive any objections to the proposed rule. We did, however, receive a comment from a citizen who indicated that the wording in § 552.213(a) that Aberdeen Proving Ground ''is NOT open for expressive activity'' is inconsistent with regulation. We agree with this comment since expressive activity may be permitted in certain circumstances with the Commander's approval based on the Commander's concerns for discipline, mission accomplishment, protection of property, and the health, morale, and welfare of the Aberdeen Proving Ground community. Therefore, § 552.213 is amended to indicate that Aberdeen Proving Ground ''is a non-public forum and is open for expressive activity only under certain circumstances.''

Executive Order 12291

This rule is not a major rule as defined by Executive Order 12291.

Regulatory Flexibility Act

The Regulatory Flexibility Act has no bearing on this rule.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 31 CFR Part 552

Federal buildings and facilities.

32 CFR part 552 is amended by adding and reserving subpart O and adding a new subpart P as follows:

Subpart P—Protests, Picketing, and Other Similar Demonstrations on the Installation of Aberdeen Proving Ground, Maryland

Sec.
552.211 Purpose.
552.212 Scope.
552.213 Policy.
552.214 Procedures.
552.215 Responsibilities.
552.216 Violations.

Authority: 18 U.S.C. Sec. 1382.

Subpart P—Protests. Picketing, and Other Similar Demonstrations on the Installation of Aberdeen Proving Ground, Maryland

§ 552.211 Purpose.

This subpart establishes policies, responsibilities, and procedures for protests, pickeing, and other similar demonstrations on the Aberdeen Proving Ground installation.

§ 552.212 Scope.

(a) The provisions of this subpart apply to all elements of U.S. Army Garrison, Aberdeen Proving Ground (USAGAPG), and the supported organizations and activities on the Aberdeen and Edgewood Areas of Aberdeen Proving Ground.

(b) The provisions of this subpart cover all public displays of opinions made by protesting, picketing, or any other similar demonstration.

(c) The provisions of this subpart are applicable to all people, military and civilian employees, and all visitors, family members, or others, entering, upon or present at Aberdeen Proving Ground.

§ 552.213 Policy.

(a) Aberdeen Proving Ground is a non-public forum and is open for expensive activity only under certain circumstances. Aberdeen Proving Ground is a military installation under the exclusive federal jurisdiction at which official business of the federal government is conducted, including military training, testing of weapon systems and other military equipment, and other official business.

(b) On Aberdeen Proving Ground, except for activities authorized under 5 United States Code Chapter 71, Labor Management Relations, it is unlawful for any person to engage in any public displays of opinions made by protesting, picketing or any other similar demonstration without the approval of the Commander, U.S. Army Garrison, Aberdeen Proving Ground. Therefore, unless prior approval has been obtained as outlined below in 32 CFR 552.214, it will be unlawful for any person on Aberdeen Proving Ground to:

(1) Engage in protests, public speeches, marches, sit-ins, or demonstrations promoting a point of view.

(2) Interrupt or disturb the testing and evaluating of weapon systems, or any training, formation, ceremony, class, court-martial, hearing, or other military business.

(3) Obstruct movement on any street, road, sidewalk, pathway, or other vehicle or pedestrian thoroughfare.

(4) Utter to any person abusive, insulting, profane, indecent, or otherwise provocative language that by its very utterance tends to excite a breach of the peace.

(5) Distribute or post publications, including pamphlets, newspapers, magazines, handbills, flyers, leaflets, and other printed materials, except through regularly established and approved distribution outlets and places.

(6) Circulate petitions or engage in picketing or similar demonstrations for any purpose.

(7) Engage in partisan political campaigning or electioneering.

(8) Disobey a request from Department of Defense police, other government law enforcement officials (e.g., Federal, State, or local law enforcement officials), military police, or other competent authority to disperse, move along or leave the installation.

(c) In appropriate cases, the Commander, U.S. Army Garrison, Aberdeen Proving Ground may give express written permission for protests, picketing, or any other similar demonstrations on Aberdeen Proving Ground property outside the gates adjacent to the installation borders, only if the procedures outlined below in 32 CFR 552.214 are followed.

§ 552.214 Procedures.

(a) Any person or persons desiring to protest, picket, or engage in any other similar demonstrations on Aberdeen Proving Ground must submit a written request to the Commander, U.S. Army Garrison, Aberdeen Proving Ground, ATTN: STEAP–CO, 2201 Aberdeen Boulevard, Aberdeen Proving Ground, Maryland 21005–5001. The request must be received at least 30 calendar days prior to the demonstration, and it must include the following:

(1) Name, address, and telephone number of the sponsoring person or organization. (If it is an organization, include the name of the point of contact.)

(2) Purpose of the event.

(3) Number of personnel expected to attend.

(4) Proposed date, time, location and duration of the event.

(5) Proposed means of transportation to and from APG.

(6) Proposed means of providing security, sanitary services and related ancillary services to the participants.

(b) Based on the Commander's concerns for discipline, mission accomplishment, protection of property, and the safeguarding of the health, morale, and welfare of the APG community, the Commander will determine whether to grant the request and, if granted, any limitations as to where and when it will take place.

§ 552.215 Responsibilities.

(a) Director, Law Enforcement and Security, U.S. Army Garrison, Aberdeen Proving Ground, will furnish police support as needed.

(b) Chief Counsel and Staff Judge Advocate, U.S. Army Test and Evaluation Command, will provide a legal review of the request.

§ 552.216 Violations.

(a) A person is in violation of the terms of this subpart if:

(1) That person enters or remains upon Aberdeen Proving Ground when that person is not licensed, invited, or otherwise authorized by the Commander, U.S. Army Garrison, Aberdeen Proving Ground pursuant to the terms of § 552.214; or

(2) That person enters upon or remains upon Aberdeen Proving Ground for the purpose of engaging in any activity prohibited or limited by this subpart.

(b) All persons (military personnel, Department of the Army civilian employees, civilians, and others) may be prosecuted for violating the provisions of this subpart. Military personnel may be prosecuted under the Uniform Code of Military Justice. Department of the Army civilian employees may be prosecuted under 18 U.S.C. 1382, and/or disciplined under appropriate regulations. Civilians and others may be prosecuted under 18 U.S.C. 1382.

(c) Administrative sanctions may include, but are not limited to, bar actions including suspension of access privileges, or permanent exclusion from Aberdeen Proving Ground.

Dated: June 5, 1997.

Roslyn M. Glantz,

Colonel, U.S. Army, Aberdeen Proving Ground Garrison Commander.

[FR Doc. 97–16480 Filed 6–23–97; 8:45 am]

BILLING CODE 3710–08–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA045–5022; FRL–5846–8]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; 15% Rate of Progress Plan for the Northern Virginia Portion of the Metropolitan Washington D.C. Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting conditional interim approval of the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia, for the Northern Virginia portion of the Metropolitan Washington D.C. serious ozone nonattainment area, to meet the 15 percent reasonable further progress (RFP, or 15% plan) requirements of the Clean Air Act (the Act). EPA is granting conditional interim approval of the 15% plan, submitted by the Commonwealth of Virginia, because on its face the plan achieves the required 15% emission reduction, but additional documentation to verify the emission calculations is necessary for full approval. Additionally, the plan relies upon the Virginia Inspection and Maintenance (I/M) rule that received final conditional interim approval on May 15, 1997 (62 FR 26745). This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This final rule is effective on July 24, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Kristeen Gaffney, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), USEPA—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or by telephone at 215–566–2092 or via e-mail, at the following address: gaffney.kristeen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Act requires ozone nonattainment areas classified as

moderate or above to develop plans to reduce volatile organic compounds (VOC) emissions by fifteen percent from 1990 baseline levels. The Metropolitan Washington, D.C. area is classified as a serious ozone nonattainment area and is subject to the 15% plan requirement. The Metropolitan Washington, D.C. ozone nonattainment area consists of the entire District of Columbia (''the District''), five counties in the Northern Virginia area and five counties in Maryland. The Northern Virginia portion of the nonattainment area consists of the localities of Arlington, Fairfax, Loudoun, Prince William and Stafford, and the cities of Alexandria, Falls Church, Manassas, Manassas Park and Fairfax.

Virginia, Maryland and the District all must demonstrate reasonable further progress for the Metropolitan Washington D.C. nonattainment area. Virginia, Maryland and the District, in conjunction with municipal planning organizations, collaborated on a coordinated 15% plan for the Metropolitan Washington D.C. nonattainment area. This was done with the assistance of the regional air quality planning committee, the Metropolitan Washington Air Quality Committee (MWAQC), and the local municipal planning organization, the Metropolitan Washington Council of Governments (MWCOG), to ensure coordination of air quality and transportation planning.

The Commonwealth of Virginia submitted the 15% plan SIP revision for the Northern Virginia portion of the Metropolitan Washington D.C. nonattainment area on May 15, 1995. On March 12, 1997, EPA published a notice of proposed rulemaking (NPR) in the **Federal Register** proposing conditional interim approval of the 15% plan (62 FR 11395). EPA's rationale for granting conditional interim approval to the Virginia 15% plan for the Metropolitan Washington D.C. nonattainment area and the details of the May 15, 1995 submittal are contained in the March 12, 1997 NPR, the accompanying technical support document and will not be restated here. There is an addendum to the technical support document dated June 9, 1997 available from the Regional Office listed in the **ADDRESSES** section of this rulemaking.

II. Public Comments and EPA Responses

EPA received two letters in response to the March 12, 1997 NPR from the Sierra Club Legal Defense Fund (SCLDF) and the New York State Department of Environmental Conservation (NYSDEC). The following discussion summarizes and responds to the comments received.

Comment 1

SCLDF commented that the Virginia 15% plan must be disapproved because it failed to produce the 15% emission reduction of 59.9 tons/day identified in the plan as prescribed by section 182(b)(1)(A)(i) of the Act. EPA's argument that it believes that Virginia's required 15% reduction ''may be lower than the 54.4 tons per day'' is flawed. Speculation is no substitute for the findings EPA must make under sections 110 and 182 of the Act in order to approve the SIP. Furthermore, EPA admits that proper documentation is lacking in the submittal. Lack of documentation and information are grounds for disapproval.

Response: Under section 110(k)(4) of the Act, EPA may conditionally approve a plan based on a commitment from the state to adopt specific enforceable measures within one year from the date of approval. EPA believes that the 15% required reduction in the Northern Virginia portion of the Metropolitan Washington D.C. nonattainment area may be lower than the 59.9 tons/day estimated in the May 15, 1995 SIP submittal based on new information supplied by the Commonwealth. Although this information has not been established through an official SIP submittal, this information is contained in Virginia's rate-of-progress SIP for the 1996–1999 time period (known as the Post 1996 plan). Virginia has held a public hearing on this SIP, which EPA provided comments on for the public record, and expects to submit it to EPA shortly. Under these circumstances—including the fact that the amount of emissions at issue is a relatively small percentage of the 15% requirement—EPA has the authority to conditionally approve Virginia's 15% SIP, on the condition that Virginia submit the requisite documentation. The Commonwealth of Virginia has agreed to meet this condition to document that the amount of reduction needed to meet the 15% requirement is less than 54.4 tons/day, and has submitted such commitment in writing.

Comment 2

The inspection and maintenance (I/M) program currently in the 15% plan and estimated to achieve 23.7 tons/day reduction was renounced by Virginia. The current Virginia I/M program under the National Highway Systems Designation Act of 1995 (NHSDA) is not properly before EPA in the 15% plan.

Response: Virginia never adopted the former I/M program that was described in the 15% plan and, instead, Virginia resubmitted a new I/M program under the NHSDA on March 27, 1996. On May 15, 1997, EPA granted conditional interim approval of Virginia's I/M program in the Virginia SIP (62 FR 26745). Although the SIP approved I/M program differs from the program referred to in Virginia's current 15% plan, EPA has determined that the two programs achieve a similar amount of VOC reduction credit. In approving the credits from I/M toward the 15% requirement, EPA is considering the SIP approved version of the I/M program. Furthermore, under the NHSDA, all states including Virginia are required to remodel the credits achieved from their I/M program 18 months following program implementation. Full approval of the Virginia 15% plan is also conditioned on this demonstration of credit through remodeling. The 24.6 tons/day reduction claimed in the May 15, 1995 15% plan submittal is, therefore, granted only conditional interim approval until the demonstration required under NHSDA is submitted by Virginia.

Comment 3

SCLDF commented that EPA cannot ignore the November 15, 1996 statutory deadline for the 15% reduction simply because the deadline is now behind us. It contends that EPA's and states' unlawful delays have prevented compliance with the November 15, 1996 deadline and that EPA cannot now jettison the statutory deadlines by substituting the ''as soon as practicable'' test; rather, SCLDF states, EPA must require compliance with an ''as soon as possible'' test and fix a compliance deadline. The commenter cited various court decisions in an effort to support its formulation of the ''as soon as possible'' test. SCLDF further added that 1999 cannot be the shortest possible timeframe for requiring compliance with I/M in Virginia because Pennsylvania has shown and EPA approved that it will achieve the needed I/M reductions by 1998.

Response: The case law cited by the commenter considers various circumstances, such as failure by EPA to promulgate rules on the statutorily mandated deadline or to take action on state failures to make SIP submissions on the statutorily mandated deadline. *See, e.g., Natural Resources Defense Council* v. *EPA*, 22 F.3d 1125 (D.C. Cir. 1994), Natural Resources Defense Council v. *Train*, 510 F.2d 692 (D.C. Cir. 1975). These cases articulate various formulations of the standards by which the courts establish new deadlines. EPA believes that its formulation of the

standard by which States must achieve the 15% reductions—''as soon as practicable''—is generally consistent with the case law.

Further, EPA believes that Virginia has demonstrated that it has met this standard. The notice of proposed rulemaking, the TSD accompanying that proposal, and an addendum to the TSD in the record establish that implementation of the I/M program is as soon as practicable. The main reason for the delays in the development and implementation of Virginia's 15% SIP relate to its enhanced I/M plan. Most recently, these enhanced I/M delays were closely associated with the enactment, in November 1995, of the NHSDA. The NHSDA afforded states the opportunity to revise their I/M plans in a manner that would be treated as meeting certain EPA requirements on an interim basis. The NHSDA provided additional time for the Commonwealth and EPA to develop and process the revised I/M plans. The Commonwealth acted expeditiously in developing and implementing a revised enhanced I/M program. However, the amount of time necessary to develop and implement the NHSDA I/M program rendered impossible achieving the 15% reduction target by the end of 1996.

Moreover, EPA has reviewed other VOC SIP measures that are at least theoretically available to Virginia, and has concluded that implementation of any such measures that might be appropriate would not accelerate the date of achieving the 15% reductions.

EPA agrees with the commenter that in this particular case a fixed deadline is appropriate. Accordingly, EPA will establish November 15, 1999, as the date by which the 15% measures must be implemented to the extent necessary to generate the required amount of reductions.

The fact that Pennsylvania has developed an I/M program that will be implemented by the end of 1998 does not mean that Virginia's implementation date of the end of 1999 is not as soon as practicable. For reasons indicated elsewhere in the record, EPA considers the biennial I/M program selected by Virginia to be as soon as practicable, notwithstanding the fact that other states may choose to implement an annual program. An annual program carries certain practicability problems that EPA has identified elsewhere in the record.

Comment 4

SCLDF commented that any further delays in implementing VOC control measures, including most prominently, enhanced I/M, must not be tolerated. For I/M, EPA's deadline must require implementation in the shortest time in which it is logistically possible to get the testing systems up and running. The NHSDA does not mention the 15% plan or authorize any delay of the achievement of the 15% emission reduction. Furthermore, missing the November 15, 1996 deadline unlawfully rewards states for failure to meet the deadline by giving them increased credits under national programs such as the Tier I Federal Motor Vehicle Control Program. SCLDF argues that such an approach unlawfully delays the achievement of clean air by allowing the states to reduce their own emission control efforts by the amount of the post-November 1996 fleet turnover benefits. Consequently, EPA must deny the post-November 1996 Tier I credit and require states to adopt emission reductions to compensate for post-1996 growth in vehicle miles traveled (VMT).

SCLDF further argues that EPA cannot delay the section 182(b)(1) requirement for states to account for growth in the 15% plans to the Post 1996 rate-of-progress plans, particularly because the Post 1996 plans involve potential NO_X substitution that is not permitted in the VOC-only 15% plans.

Response: EPA disagrees with the comment. The NHSDA was enacted by Congress in November of 1995. Section 348 of this statute provided states' renewed opportunity to satisfy the Clean Air Act requirements related to the network design for I/M programs. States were not only granted the flexibility to enact test-and-repair programs, but were provided additional time to develop those programs and to submit proposed regulations for interim SIP approval. Virginia moved rapidly to propose I/M regulations and to submit to EPA on March 27, 1996 a SIP containing those regulations, under the authority granted by the NHSDA.

Under the terms of the 15% requirement in section 182(b)(1)(A)(i) of the Act, the SIP must—''provide for [VOC] emission reductions, within 6 years after the date of enactment of the Clean Air Act Amendments of 1990, of at least 15 percent from baseline emissions, accounting for any growth in emissions after [1990].''

EPA interprets this provision to require that a specific amount of VOC reductions occur, and has issued guidance for computing this amount. The Commonwealth, complying with this guidance, has determined the amount of the required VOC reductions needed to meet the 15% goal. It is no longer possible for the Commonwealth to implement measures to achieve this level of reduction as the November 15, 1996 date provided under the 15% provisions has passed. Accordingly, EPA believes that the Commonwealth will comply with the statutory mandate as long as Virginia achieves the requisite level of reductions on an as-soon-as-practicable basis after 1996. In computing the reductions, EPA believes it acceptable for states to count reductions from federal measures, such as vehicle turnover, that occur after November 15, 1996, as long as they are measures that would be creditable had they occurred prior to that date. These measures result in VOC emission reductions as directed by Congress in the Act; therefore, these measures should count towards the achievement—however delayed—of the 15% VOC reduction goal.

EPA does not believe states are obligated as part of the 15% SIP to implement further VOC reductions to offset increases in VOC emissions due to post-1996 growth. As noted above, the 15% requirement mandates a specific level of reductions. By counting the reductions that occur through measures implemented pre- and post-1996, SIPs may achieve this level of reductions. Although section 182(b)(1)(A)(i), quoted above, mandates that the SIPs account for growth after 1990, the provision does not, by its terms, establish a mechanism for how to account for growth, or indicate whether, under the present circumstances, post-1996 growth must be accounted for. EPA believes that its current requirements for the 15% SIPs meet section 182(b)(1)(A)(i). In addition, although post-1996 VOC growth is not offset under the 15% SIPs, such growth must be offset in the Post 1996 plans required for serious and higher classified areas to achieve 9% in VOC reductions every three years after 1996 (until the attainment date). Virginia's Post 1996 plan for the Northern Virginia portion of the Metropolitan Washington D.C. area, which is nearing completion, does appear to achieve the 9% emissions reductions required between 1996 and 1999, taking into account growth in VOCs during that time. The fact that these Post 1996 SIPs may substitute NO_X reductions for VOC reductions in the 1996 to 1999 period does not undermine the integrity of the 15% SIPs. Allowing NO_X substitution is fully consistent with the health goals of the Clean Air Act.

Under EPA's approach, post-1996 growth will be accounted for in the plans that Congress intended to take account of such growth—the Post 1996 ''rate of progress'' SIPs. To shift the burden of accounting for such growth to the 15% plans, as commenters would have EPA do, would impose burdens on

states above and beyond what Congress contemplated would be imposed by the 15% requirement (which was intended to have been achieved by November 15, 1996). In the current situation, where it is clearly impossible to achieve the target level of VOC reductions (a 15% reduction taking into account growth through November 1996) by November 1996, EPA believes that its approach is a reasonable and appropriate one. It will still mean that post-1996 growth is taken into account in the SIP revisions Congress intended to take into account such growth and it means that the target level of VOC reductions will be achieved as soon as practicable. Once the Post 1996 rate of progress plans are approved and implemented, areas will have achieved the same level of progress that they were required to have achieved through the combination of the 15% and rate of progress requirements as originally intended by Congress.

Comment 5

The commenter notes a discrepancy on the bottom of page 11401 of the notice of proposed rulemaking. EPA asserted it's belief that the Virginia I/M program ''will achieve 24.6 tons/day of reductions by 1997''. This is unrealistic given that EPA states elsewhere in the notice that the Virginia I/M program is not starting up until November 1997.

Response: The commenter is correct. The notice of proposed rulemaking contained a typographical error in that the year should have read 1999 instead of 1997. This statement in the proposed rulemaking is corrected and revised to read: ''Because Virginia's revised enhanced I/M program is designed to meet EPA's high-enhanced performance standard and will achieve essentially the same number of testing cycles between start-up and November 1999 as that modeled in the original 15% plan, EPA believes that Virginia's program will achieve 24.6 tons/day of reductions by 1999.''

Comment 6

SCLDF commented that the Virginia 15% plan, which takes credit for federal control measures such as architectural and industrial maintenance coating, consumer/commercial products and autobody refinishing, should not be approved because those federal control measures have not yet been promulgated. SCLDF states that allowing such credit violates section 182(b)(1)(C) of the Act. SCLDF further commented that EPA cannot lawfully base SIP decisions on unpromulgated rules because it does not know what these final rules will say. SCLDF contends that allowing credit on as yet unpromulgated rules, even with the caveat that the states must revisit the rule later if the federal rules turn out differently than predicted, amounts to an unlawful extension of a SIP submission deadline. SCLDF stated that EPA must base its decision on the record before it at the time of its decision; not on some record that the agency hopes will exist in the future.

Response: Section 182(b)(1)(A) of the Act requires states to submit their 15% SIP revisions by November, 1993. Section 182(b)(1)(C) of the Act provides the following general rule for creditability of emissions reductions towards the 15% requirement: ''Emissions reductions are creditable toward the 15 percent required * * * to the extent they have actually occurred, as of (November, 1996), from the implementation of measures required under the applicable implementation plan, rules promulgated by the Administrator, or a permit under Title V.''

This provision further indicates that certain emissions reductions are not creditable, including reductions from certain control measures required prior to the 1990 Amendments.

This creditability provision is ambiguous. Read literally, it provides that although the 15% SIPs are required to be submitted by November 1993, emissions reductions are creditable as part of those SIPs only if ''they have actually occurred, as of (November 1996)''. This literal reading renders the provision internally inconsistent. Accordingly, EPA believes that the provision should be interpreted to provide, in effect, that emissions reductions are creditable ''to the extent they will have actually occurred, as of (November, 1996), from the implementation of (the specified measures)'' (the term ''will'' is added). This interpretation renders the provision internally consistent.

Sec. 182(b)(1)(C) of the Act explicitly includes as creditable reductions those resulting from ''rules promulgated by the Administrator''. This provision does not state the date by which those measures must be promulgated, i.e., does not indicate whether the measures must be promulgated by the time the 15% SIPs were due (November, 1993), or whether the measures may be promulgated after this due date.

Because the statute is silent on this point, EPA has discretion to develop a reasonable interpretation, under *Chevron U.S.A. Inc.* v. *NRDC,* 467 U.S. 837, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984). EPA believes it reasonable to interpret section 182(b)(1)(C) of the Act to credit reductions from federal measures as long as those reductions are expected to occur by November 1996, even if the Federal measures are not promulgated by the November 1993 due date for the 15% SIPs.

EPA's interpretation is consistent with the congressionally mandated schedule for promulgating regulations for consumer and commercial products, under section 182(e) of the Act. This provision requires EPA to promulgate regulations controlling emissions from consumer and commercial products that generate emissions in nonattainment areas. Under the schedule, by November 1993—the same date that the States were required to submit the 15% SIPs—EPA was to issue a report and establish a rulemaking schedule for consumer and commercial products. Further, EPA was to promulgate regulations for the first set of consumer and commercial products by November, 1995. It is reasonable to conclude that Congress anticipated that reductions from these measures would be creditable as part of the 15% SIPs, as long as those reductions were to occur by November, 1996.

Crediting reductions from federal measures promulgated after the due date for the 15% SIPs is also sensible from an administrative standpoint. Crediting the reductions allows the states to plan accurately to meet the 15% reduction target from the appropriate level of state and federal measures. Not crediting such reductions would mean that the states would have to implement additional control requirements to reach the 15% mark; and that SIPs would result in more than a 15% level of reductions once the federal measures in question were promulgated and implemented. At that point in time, the state may seek to eliminate those additional SIP measures on grounds that they would no longer be necessary to reach the 15% level. Such constant revisions to the SIP to demonstrate 15% is a paper exercise that exhausts both the states' and EPA's time and resources.

The fact that EPA cannot determine precisely the amount of credit available for the federal measures not yet promulgated does not preclude granting the credit. The credit can be granted as long as EPA is able to develop reasonable estimates of the amount of VOC reductions from the measures EPA expects to promulgate. EPA believes that it is able to develop reasonable estimates, particularly because it has already proposed and taken comment on the measures at issue, and expects to promulgate final rules by the spring of 1998. Many other parts of the SIP, including state measures, typically

include estimates and assumptions concerning VOC amounts, rather than actual measurements. For example, EPA's document to estimate emissions, (''Compilation of Air Pollutant Emission Factors'', January 1995, AP–42), provide emission factors used to estimate emissions from various sources and source processes. AP–42 emission factors have been used, and continue to be used, by states and EPA to determine base year emission inventory figures for sources and to estimate emissions from sources where such information is needed. Estimates in the expected amount of VOC reductions are commonly made in air quality plans, even for those control measures that are already promulgated.

Moreover, the fact that EPA is occasionally delayed in its rulemaking is not an argument against granting credits from these measures. The measures are statutorily required, and states and citizens could bring suit to enforce the requirements that EPA promulgate them. If the amount of credit that EPA allows the state to claim turns out to be greater than the amount EPA determines to be appropriate when EPA promulgates the federal measures, EPA intends to take appropriate action to require correction of any shortfall in necessary emissions reductions that may occur.

The above analysis focuses on the statutory provisions that include specific dates for 15% SIP submittals (November, 1993), and implementation (November 15, 1996). These dates have expired, and EPA has developed new dates for submittal and implementation. EPA does not believe that the expiration of the statutory dates, and the development of new ones, has implications for the issue of whether reductions from federal measures promulgated after the date of 15% SIP approval may be counted toward those 15% SIPs. Although the statutory dates have passed, EPA believes that the analysis described above continues to be valid.

Comment 7

SCLDF commented that EPA proposed disapproval of the Philadelphia 15% plan in 1996 because the plan assumed credit from control strategies either not fully adopted, not creditable under the Clean Air Act, or which had not been adequately quantified. Furthermore, EPA proposed disapproval of the plan because Pennsylvania switched I/M programs yet did not revise the 15% plan to reflect the differences in the I/M program description and projected emission reductions. EPA set precedence with this rulemaking and to propose approval of the Virginia 15% plan when the same deficiencies exist is acting in an arbitrary and capricious manner of treating similar situations in such a diametrically opposite fashion.

Response: EPA's proposed approval of the Virginia 15% plan is not inconsistent with the proposed disapproval of the Philadelphia 15% plan. On July 10, 1996, EPA proposed to disapprove Pennsylvania's 15% plan for the Philadelphia area because it would not have achieved sufficient reductions to meet the requirements of section 182(b)(1) of the Act (61 FR 36320). EPA did not credit any reductions from Pennsylvania's Enhanced
iI/M Program because at the time of the July 10, 1996 rulemaking EPA had disapproved Pennsylvania's I/M submittal.[1] As discussed above, on May 15, 1997, EPA granted conditional interim approval of Virginia's I/M program in the Virginia SIP (62 FR 26745). Therefore, the factual basis for EPA's conditional interim approval of Virginia's 15% is not similar to that of the Philadelphia 15% Plan. In the July 10, 1996 proposed disapproval, EPA credited the measures in Pennsylvania's 15% Plan towards meeting the rate of progress requirements of the Act even though they were insufficiently documented to qualify for full approval. *See*, 61 FR 36322. That action is wholly consistent with EPA's conditional interim approval of the Virginia 15% plan.

Comment 8

NYSDEC commented that EPA should not be treating this as a Table 3 SIP action, because the Sierra Club Legal Defense Fund settlement regarding 15% plans in the Philadelphia, Baltimore and Washington D.C. ozone nonattainment areas has national policy implications.

Response: EPA disagrees with this comment. Delegation authority is an internal agency decision. This rulemaking action is consistent with EPA delegation policy. The authority for decision making and signature of all SIP revisions has been delegated to the Regional Administrators.

Comment 9

NYSDEC commented that EPA should propose limited approval/limited disapproval of this SIP because of its technical defects.

Response: EPA disagrees with this comment. Historically, the Agency has used both conditional approval and limited approval/disapproval actions for SIP revisions with technical deficiencies. EPA has the authority to grant conditional approvals at least when EPA has a reasonable basis to believe that the information to correct these deficiencies is available and can be implemented by the state within a 12-month period. EPA has a reasonable basis to believe that the Commonwealth of the Virginia has the ability to and will correct the deficiencies conditioned in the 15% plan. The Commonwealth has taken a revised 15% plan through the public hearing process which addresses many of the named deficiencies. Furthermore, Virginia has submitted a commitment letter agreeing to meet the conditions of the conditional approval and correct the 15% plan within 12 months of this rulemaking.

Comment 10

NYSDEC commented that EPA should have addressed the contingency measure requirements of the Clean Air Act in this rulemaking.

Response: EPA disagrees with this comment. Under section 172(b) of the Act, areas classified as nonattainment must include in their nonattainment plan provisions, contingency measures to be implemented if an area fails to make reasonable further progress or attain the standard by the applicable attainment date. In addition, section 182(c)(9) of the Act requires areas classified as serious and above to include in their nonattainment SIP contingency measures to be implemented if a reasonable further progress (RFP) milestone is not achieved.

EPA interprets the provisions of sections 172(b) and 182(c)(9), on the one hand; and section 182(b)(1)(A) [the 15% plan requirement], on the other hand, to be separate and independent provisions within the Act. Therefore, this rulemaking addresses EPA's action on the May 15, 1995 15% plan submittal only as it adheres to the requirements of Section 182(b)(1)(A) of the Act. There is no obligation to act on the contingency measure requirement in this rulemaking. Any submittal that the Commonwealth submits to EPA regarding the contingency measure requirements of section 172(b) of the Act will be handled under a separate rulemaking action.

Comment 11

NYSDEC commented that the redesign of the Virginia I/M test and repair program claims an effectiveness of 93% relative to a centralized program. This implies that the existing

[1] In a letter, dated April 13, 1995, EPA converted the August 31, 1994 conditional approval of Pennsylvania I/M submittal to a disapproval.

basic test and repair program effectiveness is greater than 50%. The effectiveness of the existing program needs to be re-evaluated and the base year inventory and 1996 target levels adjusted to reflect the revised effectiveness.

Response: EPA does not agree with the commenter that the Commonwealth should have to re-evaluate the effectiveness of the existing program. Requiring recalculation of the baseline at this point in time would effectively be requiring the states to hit a moving target, something which EPA feels Congress did not intend to happen as a result of the latitude afforded to states under the NHSDA. EPA is willing to allow states to rely on the baseline modeling previously done for the 15% plans, even though the Commonwealth's assessment of the existing program provides evidence to say that the program was more effective than previously demonstrated through modeling. EPA believes a recalculation of the I/M baseline credits would be an unreasonable burden to place on states because the information that suggests the need for recalculation did not become available until well after Virginia completed the 15% calculations and submitted the SIP to EPA for approval. See discussion below under comment 16 regarding calculation of credits for open burning.

Comment 12

NYSDEC commented that the viability of the cited 24.6 tons/day reduction from Virginia I/M is questionable. The Virginia I/M program is similar to the New York I/M program, yet the New York program is an annual one. EPA Region III has allowed Virginia to claim greater credit for their I/M program than Region II has allowed New York to do. This constitutes regional inconsistency. EPA is treating the Virginia I/M program more favorably than the New York I/M program by allowing greater credit for a more deficient program.

Response: EPA has granted conditional interim approval to Virginia's I/M program under NHSDA. Although the SIP approved I/M program differs from the program referred to in Virginia's 15% plan, EPA has determined that the two programs will ultimately achieve a similar amount of credit. As a condition of this rulemaking however, Virginia is required to remodel the credits achieved from its I/M program using the appropriate inputs which accurately reflect the newly designed program under the NHSDA. Full approval of the 15% plan is conditioned upon this demonstration of credit through remodeling. The 24.6 tons/day reduction is, therefore, only conditionally approved until the demonstration is submitted by Virginia as required under NHSDA.

Virginia has committed to complete a remodeling demonstration in accordance with EPA policy on I/M modeling. Virginia has not been allowed to deviate from EPA-accepted modeling practices, in fact the Commonwealth will be required to remodel the program as designed and implemented, using the credit deck specified for its ASM test procedure, as directed by EPA. The 15% I/M credits for both the New York program and the Virginia program are calculated with respect to not only the I/M program performance standard, but more importantly in conjunction with the amount and type of VMT for each area. EPA does not lend any credibility to New York's argument that EPA is allowing Virginia to take greater credit with modeling EPA Region II would find insufficient. The premise of New York's comment is that EPA has made a decision regarding the amount of creditable emission reductions from New York's I/M program. In fact, New York State has not yet submitted a 15% plan and EPA has not made a decision regarding the amount of creditable reduction from the New York I/M program. Once New York submits a 15% plan, EPA will evaluate the amount of credit from New York's I/M program. Furthermore, Virginia has moved forward with final regulations for an I/M program that has been granted final conditional interim approval, and which is slated to begin start-up by November 1997.

Comment 13

NYSDEC commented that EPA cannot allow credit from an I/M program outside the nonattainment area (Facquier County).

Response: EPA disagrees with this comment. As a preliminary matter, EPA originally relied on policy established in guidance documents for the preparation of 15% plans in allowing creditable reductions from the implementation of I/M in Facquier County, a county adjacent to but not part of the nonattainment area.

Specifically, Appendix F (F–10) of ''Guidance For Growth Factors, Projections, And Control of Strategies For The 15 Percent Rate-Of-Progress Plans'' [EPA–452/R–93–002, March 1993] provides examples of additional mobile source controls which will achieve creditable emissions reductions necessary to meet 15 percent requirements, net of growth. One example shown is a ''basic I/M program imposed in areas adjacent to the nonattainment area to control emissions from vehicles that commute into the nonattainment area. States should rely primarily on traffic counts to verify the commute traffic information for the nonattainment area.'' The Commonwealth of Virginia initially made such a showing using the Mobile 5.0a model to determine the amount of creditable reductions to be achieved by implementing I/M in adjacent Facquier County. Therefore, EPA proposed to approve the 0.9 tons/day reduction creditable through this measure.

However, since the proposed rulemaking was published, EPA has subsequently learned from the Commonwealth that I/M will not in fact be implemented in Facquier County, Virginia. The Commonwealth has removed this measure from the draft revised 15% plan that it has taken to public hearing. The Commonwealth is no longer claiming a 0.9 tons/day reduction from I/M in Facquier County as a creditable measure in the revised 15% plan. In response, EPA is not approving the 0.9 tons/day credits in the conditionally approved 15% plan for northern Virginia. In its commitment letter of April 4, 1997 the Commonwealth agreed to submit an amended 15% plan as a SIP revision that will demonstrate using appropriate documentation methodologies and credit calculations that the 54.5 tons/day emissions reduction, supported through creditable emissions reduction control measures, satisfies Virginia's 15% rate of progress requirement for the Metropolitan Washington D.C. nonattainment area. EPA interprets this commitment to mean that Virginia will demonstrate in the revised 15% plan submittal that the area will have achieved a 15% reduction in VOCs net of growth, not including the credit initially claimed for I/M in Facquier County.

Comment 14

NYSDEC commented that the discrepancies in the inventory and growth projections in the Virginia plan are significant and EPA should not dismiss these.

Response: EPA is not dismissing the discrepancies in the May 15, 1995 submittal. EPA noted the differences in the numbers for the mobile source category between the base year 1990 inventory and the 15% plan inventory. EPA determined that the discrepancies are insignificant and can be attributed to rounding errors in the inventory development process. Additionally, the Commonwealth is submitting revisions to the 1990 base year inventory for the Northern Virginia portion of the

Washington D.C. nonattainment area as part of the revised 15% plan that went to public hearing. These revisions to the 1990 base year inventory will be reviewed and acted upon once the submittal is made.

Regarding growth projections, EPA is conditioning approval of the plan and requiring Virginia to revise its growth estimates as a condition for full approval. Revising the plan to account for growth in point sources between 1990 and 1996 will, in fact, change the budget contained in the 15% plan and the amount of emission reductions required to offset growth. EPA has also conditioned full approval of the 15% plan on a demonstration to be provided by Virginia that point source growth be determined and offset with an equivalent amount of emission reductions.

Comment 15

NYSDEC commented that the Stage I credits in Loudoun County should not be allowed; this was a noncreditable reasonably available control technology (RACT) fix-up.

Response: The commenter is correct in this statement. Virginia claimed a total of 0.5 tons/day emission reduction from the implementation of Stage I controls in Loudoun and Stafford counties in the nonattainment area. In 1988 EPA made a SIP call to the Commonwealth of Virginia to among other requirements, require Stage I VOC controls in Loudoun County. This was, in fact, part of the RACT Fix-Ups SIP call. The Act does not allow reductions from RACT Fix-Ups to be creditable toward the 15% plans. Therefore, the 0.23 tons/day emissions reductions associated with implementing Stage I controls in Loudoun County are not creditable toward the Virginia 15% plan, and EPA is not approving these credits in the conditionally approved 15% plan for Northern Virginia. However, the remaining 0.26 tons/day associated with implementing Stage I emission controls in Stafford County are a creditable reduction in the 15% plan, because Stafford County was added to the nonattainment area in the 1991 designations and not subject to the pre-1990 RACT fix-up requirements. In its commitment letter of April 4, 1997 the Commonwealth agreed to submit an amended 15% plan as a SIP revision that will demonstrate using appropriate documentation methodologies and credit calculations that the 54.5 tons/day emissions reduction, supported through creditable emissions reduction control measures, satisfies Virginia's 15% rate of progress requirement for the Metropolitan Washington D.C. nonattainment area. EPA interprets this commitment to mean that the Commonwealth will demonstrate in the revised 15% plan submittal that the area will have achieved a 15% reduction in VOCs net of growth, notwithstanding the credit claimed for implementing Stage I controls in Loudoun County.

The Commonwealth and EPA originally believed that there were no RACT fix-ups that resulted in emission reductions in the northern Virginia area and claimed zero in the target level calculation for the area. Although the effects of this revision to the target level may be minimal and insignificant, nevertheless, Stage I reductions in Loudoun County should be deducted from the target level in accordance with EPA guidance and policy on target level calculations. EPA interprets Virginia's commitment letter to mean that Virginia will recalculate the target level for the northern Virginia area to account for these reductions from the RACT fix-up rule.

Comment 16

NYSDEC commented that the inventory data and emission factors for open burning do not support Virginia's claim of 2.6 tons/day credit.

Response: EPA does not agree with this comment. The Commonwealth of Virginia used the available data at the time to compute emission reductions from controls on open burning. Additional information regarding the emissions inventory for the open burning category can be found in Virginia's SIP submittal for the 1990 Base Year VOC Emissions Inventory for the area, which EPA approved on September 16, 1996. Using information from the inventory and the appropriate methodology at the time from EPA's Compilation of Air Pollutant Emission Factors (AP–42), Fourth Edition (1987), EPA has determined that Virginia correctly computed the amount of emission reductions resulting from the open burning control strategy. Virginia's open burning rule bans all burning of construction waste, debris waste and demolition waste.

Using information collected through permits issued for open burning, Virginia estimates that 1,824 acres are burned annually in the nonattainment area. The fuel loading factor of 70 tons/acre was taken from AP–42, Table 2.4–5, category ''forest residues—unspecified'' (the appropriate category for landclearing debris associated with construction projects). The VOC emission factor of 19 lbs/ton burned (nonmethane emissions)[2] was taken from the same table.

1824 acres/year * 1 year/365days * 70 tons/acre fuel = 349.9 tons/day burned

349.9 tons/day * 19 lbs/ton VOC * .0005 tons/1 lb = 3.32 lbs VOC/day emission

The Fourth Edition (1987) of AP–42 was the current edition when the Commonwealth prepared the 1990 base year inventory and the 15% plan. EPA's applicable guidance does not require that a base year inventory, target level calculation and, hence, other aspects of a 15% plan be revisited due to insignificant changes in emission factors that become available after submission of the plan.[3] The Commonwealth of Virginia took the 15% plan to hearing in November 1993. The commenter quotes information from the Fifth Edition of AP–42 which was released during 1995 well after preparation and submission of the 15% plan.

The 15% plan for the Northern Virginia portion of the Washington D.C. nonattainment area claimed no growth in emissions in the open burning category for the period 1990–1996. Virginia applied the default rule compliance value of 80% to the 1990 baseline daily emissions of 3.3 tons/day. The resulting estimated emissions reduction from the ban on open burning is 2.64 tons/day. EPA is approving this amount of emission reduction credit in the Virginia 15% plan because the Commonwealth used the appropriate methodology for estimating emissions and has properly adopted and implemented the open burning rule in the nonattainment area.

III. Conditional Interim Approval

EPA has evaluated Virginia's May 15, 1995 submittal for consistency with the Act, applicable EPA regulations, and EPA policy and determined, as documented in the March 12, 1997 NPR that, on its face, the 15% plan for Northern Virginia portion of the Metropolitan Washington D.C. area achieves the required 15% VOC

[2] According to AP–42, nonmethane VOC emissions from unspecified forest residues could include olefins, acetylene, aldehydes, ketones, aromatics, cycloparaffins, and other saturates. Not all VOC emissions are necessarily ozone precursors. However, in the absence of more specific information and for the purposes of emissions inventory development, all non-methane VOC emissions from open burning categories are assumed to be ozone precursors.

[3] See section 2.3 of ''Guidance on the Adjusted Base Year Emissions Inventory and the 1996 Target for 15 Percent Rate of Progress Plans'' (EPA–452/R–92–005, October 1992); and ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Proposed Rule'', 57 Federal Register 13498 and 13508 (April 16, 1992).

emission reduction to meet Virginia's portion of the regional multi-state plan to satisfy the requirements of section 182(b)(1) of the Act. However, there are measures included in the Virginia 15% plan, which may be creditable towards the Act requirement, but which are insufficiently documented for EPA to take action on at this time. While the amount of creditable reductions for certain control measures has not been adequately documented to qualify for Clean Air Act approval, EPA has determined that the submittal for Northern Virginia portion of the Metropolitan Washington D.C. area contains enough of the required structure to warrant conditional interim approval. EPA cannot grant full approval of the Virginia 15% rate-of-progress plan under section 110(k)(3) and Part D of the Clean Air Act. Instead, EPA is granting conditional interim approval of this SIP revision under section 110(k)(4) of the Act, because the Commonwealth must meet the specified conditions and supplement its submittal to satisfy the requirements of section 182(b)(1) of the Act regarding the 15 percent rate-of-progress plan, and because the Commonwealth must supplement its submittal and demonstrate it has achieved the required emission reductions.

The March 12, 1997 NPR listed the conditions that Virginia must meet in order to convert the conditional approval to full approval. In an April 4, 1997 letter to EPA, the Commonwealth committed to meet all the conditions listed in the NPR within 12 months of final conditional approval. The conditions from the NPR are restated here. The Commonwealth of Virginia must fulfill the following conditions by no later than June 24, 1998:

1. Virginia's 15% plan must be revised to account for growth in point sources from 1990–1996.

2. Virginia must meet the conditions listed in the November 6, 1996 proposed conditional interim Inspection and Maintenance Plan (I/M) rulemaking notice, and the I/M reductions using the following two EPA guidance memos: ''Date by which States Need to Achieve all the Reductions Needed for the 15 Percent Plan from I/M and Guidance for Recalculation,'' note from John Seitz and Margo Oge, dated August 13, 1996, and ''Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance'', memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996.

3. Virginia must remodel to determine affirmatively the creditable reductions from RFG, and Tier 1 in accordance with EPA guidance.

4. Virginia must submit a SIP revision amending the 15% plan with a demonstration using appropriate documentation methodologies and credit calculations that the 54.5 tons/day reduction, supported through creditable emission reduction measures in the submittal, satisfies Virginia's 15% ROP requirement for the Metropolitan Washington D.C. nonattainment area.

After making all the necessary corrections to establish the creditability of chosen control measures, Virginia must demonstrate that 15% emission reduction is obtained in the Northern Virginia portion of the Metropolitan Washington D.C. nonattainment area as required by section 182(b)(1) of the Act and in accordance with EPA's policies and guidance issued pursuant to section 182(b)(1).

IV. Final Action

EPA is today granting conditional interim approval of the Northern Virginia 15% plan as a revision to the Virginia SIP. EPA is granting approval to emission credits for the Virginia 15% plan on an interim basis, pending verification of Virginia's I/M program's performance, pursuant to section 348 of the NHSDA. The interim approval of the 15% plan will expire at the end of 18 months following EPA's final conditional interim rulemaking of Virginia's I/M program which was published in the **Federal Register** on May 15, 1997. The interim approval will be replaced by appropriate EPA action based on the evaluation EPA receives concerning the I/M program's performance. If the evaluation indicates a shortfall in emission reductions compared to the remodeling that the 15% plan is conditioned on, the Commonwealth will need to find additional emission credits. Failure of the Commonwealth to make up for an emission shortfall from the enhanced I/M program may subject the Commonwealth to sanctions and imposition of a Federal Implementation Plan. EPA has already approved the Virginia enhanced I/M program on a conditional interim basis. This approval of the Virginia enhanced I/M program was taken under section 110 of the Act and, although the credits provided by this program may expire, the approval of the I/M regulations does not expire. As explained above, the credits provided by the enhanced I/M program on an interim basis for the 15% plan may be adjusted based on EPA's evaluation of the enhanced I/M program's performance.

This rulemaking action is a conditional interim approval that will not convert to full approval until Virginia has met conditions 1 through 4 of this rulemaking. If the conditions are not met within 12 months of today's rulemaking, this rulemaking will convert to a disapproval. Once Virginia satisfies the conditions of the I/M rulemaking and receives final interim approval of I/M, EPA will grant final interim approval of the 15% plan, (assuming that the other conditions have been met). Conversely, if EPA disapproves the Virginia I/M program, EPA's conditional interim approval of the 15% plan would also convert to a disapproval. EPA would notify Virginia by letter that the conditions have not been met and that the conditional interim approval of the 15% plan has converted to a disapproval. Each of the conditions must be fulfilled by Virginia and submitted to EPA as an amendment to the SIP. If Virginia corrects the deficiencies within one year of conditional interim approval, and submits a revised 15% plan as a SIP revision, EPA will conduct rulemaking on that revision.

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

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA

to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the final conditional interim approval of the 15% plan for the Northern Virginia portion of the metropolitan Washington D.C. area, must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone.

Dated: June 13, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2450 is amended by adding paragraph (e) to read as follows:

§ 52.2450 Conditional approval.

* * * * *

(e) The Commonwealth of Virginia's May 15, 1995 submittal for the 15 Percent Rate of Progress Plan (15% plan) for the Northern Virginia portion of the Metropolitan Washington D.C. ozone nonattainment area, is conditionally approved based on certain contingencies, for an interim period. The conditions for approvability are as follows:

(1) Virginia's 15% plan must be revised to account for growth in point sources from 1990–1996.

(2) Virginia must meet the conditions listed in the November 6, 1996 proposed conditional interim Inspection and Maintenance Plan (I/M) rulemaking notice, remodel the I/M reductions using the following two EPA guidance memos: ''Date by which States Need to Achieve all the Reductions Needed for the 15 Percent Plan from I/M and Guidance for Recalculation,'' note from John Seitz and Margo Oge, dated August 13, 1996, and ''Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance'', memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996.

(3) Virginia must remodel to determine affirmatively the creditable reductions from RFG, and Tier 1 in accordance with EPA guidance.

(4) Virginia must submit a SIP revision amending the 15% plan with a demonstration using appropriate documentation methodologies and credit calculations that the 54.5 tons/day reduction, supported through creditable emission reduction measures in the submittal, satisfies Virginia's 15% ROP requirement for the Metropolitan Washington D.C. nonattainment area.

[FR Doc. 97–16510 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5845–1]

Maine; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Maine has applied for final authorization for revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Maine's revisions address many of the rules that were promulgated by the Environmental Protection Agency (EPA) between July 1, 1984 and June 30, 1990. These rules are contained in Non-HSWA Clusters I through VI and HSWA Clusters I and II. The specific RCRA program revisions for which Maine is seeking authorization are listed in the table in section C of this document.

Region I EPA has reviewed Maine's application and has made a decision, subject to public review and comment, that Maine's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Also, the EPA views these revisions as non-controversial and anticipates no adverse comments. Thus, EPA is approving Maine's hazardous waste program revisions, effective in sixty (60) days, unless adverse comments pertaining to the State's revisions are received within the next thirty (30) days.

DATES: Final authorization for Maine shall be effective on August 25, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Maine's program revision application must be received by the close of business on July 24, 1997.

ADDRESSES: Copies of Maine's program revision application are available for inspection and copying at the following addresses: (1) Maine Department of Environmental Protection, Hospital Street, Augusta, Maine, 94333. Phone: (207) 287–2651. Business Hours: 8:00 A.M. to 5:00 P.M., Monday through Friday, and (2) U.S. EPA Region I Library, One Congress Street, 11th Floor, Boston, Massachusetts, 02203, Phone: (617) 565–3300. Business Hours: 8:30 A.M. to 4:30 P.M., Monday through Friday. Written comments should be sent to Geri Mannion at the address below.

FOR FURTHER INFORMATION CONTACT: Geri Mannion, U.S. EPA Region I, (CHW), J.F.K. Federal Building, Boston, Massachusetts, 02203–2211, Phone: (617) 565–3607.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act (''RCRA'' or ''the Act''), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, no less stringent than, and consistent with the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter ''HSWA'') allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authorities are modified, or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124, 270, 273, and 279.

B. Maine's Application

The State of Maine received final authorization to implement its hazardous waste management program on May 6, 1988 with an effective date of May 20, 1988. (*See:* 53 *FR* 16264, May 6, 1988.) Between November 1994 and August 1995 Maine submitted a draft program revision application for many of the rules promulgated by the EPA between July 1, 1984 and June 30, 1990 and adopted by Maine in March 1994. Maine submitted its final application for these revisions on February 28, 1997 and is today seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

The EPA has carefully reviewed the submitted Maine regulations and has determined that they are equivalent to, no less stringent than, and consistent with the Federal program. During the review process, EPA noted three typographical errors that Maine, in its Memorandum of Agreement (MOA) (required under 40 CFR part 271) with the EPA, has agreed to correct during its next rulemaking. This agreement, and EPA's determination that the State's typographical errors do not materially impact the Agency's equivalency determination, support EPA's decision to grant Maine final authorization at this time. The errors noted in the MOA that are to be corrected in Maine's next rulemaking are described below:

(1) The spelling of ''diisocyanate'' and ''toluenediamine'' in the listing for K116 at Hazardous Waste Management Rules, 06–096 CMR 850.3C3;

(2) The spelling of ''absorbent'' in the description of K132 at 06–096 CMR 850.3C3 and,

(3) The numbering of ''U159'' 2-Butanone (I,T) at 06–096 CMR 850.3C4f.

In addition to the EPA's review of the State's revised hazardous waste regulations, EPA consulted closely with the State regarding its draft Attorney General's Statement, draft Program Description, and its MOA with EPA, all required under 40 CFR part 271. On February 28, 1997, pursuant to 40 CFR part 271, the State submitted its final authorization application to EPA. The Region has reviewed Maine's final application, and has made a decision that Maine's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization to Maine for the program revisions contained in its final authorization application, subject to further review if there are adverse public comments. The public may submit written comments on EPA's immediate final rule up until the close of business on July 24, 1997. Copies of Maine's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Maine's program revision shall become effective in sixty (60) days unless adverse comments pertaining to the State's program revisions are received by the end of the thirty day (30-day) comment period. If adverse comments are received, EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

To be considered equivalent to the Federal program, a state is required to control all hazardous wastes identified under 40 CFR 261 at least as stringently as the Federal program; however, states, under section 3009 of the Resource Conservation and Recovery Act (RCRA), are entitled to be more stringent than the Federal program. Provisions that are more stringent are federally enforceable. The Maine program is more stringent than the Federal program in several respects. On January 4, 1985 (50 FR 614) EPA promulgated a rule clarifying the extent of EPA's jurisdiction over hazardous waste recycling activities and set the regulatory regime for recycling activities subject to the Agency's jurisdiction and indicated in its regulations that certain types of recycled hazardous secondary materials are not RCRA solid or hazardous wastes (50 FR 614). Maine's definition of waste at CMR 850.3A2 is more stringent because it regulates all hazardous wastes in the same manner and makes no distinctions as to whether they are recycled, reused, disposed of, or treated. Any material which is defined as hazardous waste is regulated by Maine as a hazardous waste (unless it is specifically excluded in CMR 850.3A4). Further Maine's regulations do not grant variances from the classification of solid was for certain recycled wastes as provided in 40 CFR 260.30 (a)–(c) or variances for wastes being accumulated for recycling as provided in 40 CFR 260.40 and 260.42.

Maine's revised program is also more stringent than the Federal program in

the following areas: (1) Maine has not adopted the exemption for used oil established at 40 CFR 261.6(a)(3)(iii), (2) Maine did not adopt the Resource Recovery Facility provision under household hazardous wastes exclusion at 40 CFR 261.4(b)1, and (3) it did not adopt the delisting of federally listed wastes provision at 40 CFR 260.22(a).

Some portions of Maine's revised program are broader in scope than the Federal program, and thus are not federally enforceable. For example, at CMR 850.3C2b Maine lists Polychlorinated biphenyl (PCBs) as a hazardous waste; EPA does not. At CMR 850.3C4e and 850.3C4f, Maine lists certain discarded commercial chemical products as hazardous wastes which are not listed by EPA at 40 CFR 261.33(e) and (f). These wastes are indicated with an asterisk in Maine's listing. Additionally, the following wastes are listed in CMR 850.3C4e and f by Maine as hazardous, but not by the EPA: P154, P158, P145, P107, P139, U139.

Status of Federal Permits

EPA will suspend the further issuance of RCRA and HSWA permits in the State of Maine for those provisions for which the State receives final authorization on the effective date of this authorization.

EPA will retain lead responsibility for the issuance, administration, and enforcement of those HSWA provisions in the State of Maine for which the State does not receive authorization. In addition, EPA will continue to administer and enforce any RCRA and HSWA permits, or portions of permits, it has issued in Maine until the State, after receiving authorization for those provisions, issues permits for these facilities which are equivalent to the federal permits, or until the State incorporates the terms and conditions of the federal permits into the State RCRA permits in accordance with its authorized program.

The State of Maine will assume lead responsibility for issuing permits in the State for those program areas authorized today. The State will review all State issued permits, and modify or reissue these permits as necessary to require compliance with its approved program.

C. Program Elements

The specific RCRA program revisions for which the State of Maine is authorized today are listed in the Table below. The Federal requirements in the Table are identified by their checklist numbers and rule descriptions. The following abbreviations are used in the Table: CFR = Code of Federal Regulations; MOA = Memorandum of Agreement between the State of Maine and the EPA; MRSA = Maine Revised Statutes Annotated; AG = Attorney General Statement. The state analogues listed in the table below are taken from Maine's 06–096 Code of Maine Regulations (CMR) Chapters 850–857, Hazardous Waste Management Rules; Chapter 860, Waste Oil Management Rules; Chapter 2, Rules Concerning the Processing of Applications; and Chapter 30, Special Regulations for Hearings on Applications of Significant Public Interest.

Federal requirements	State authorities
NON–HSWA Cluster I	
(AI) State Availability of Information, HSWA § 3006(f), 11/8/84	1 MRSA §§ 402.3, 408, 409, 38 MRSA § 1310–B, MOA.
(9) Household Waste: 49 FR 44978–44980, 11/13/84	850.3A4avii.
(11) Corrections to Test Methods Manual: 49 FR 47390–47391, 12/4/84	850 Appendix III, XI, 850.3B1c, 2ai, iii, 3ai, ii, 5a.
(12) Satellite Accumulation: 49 FR 49568–49572, 12/20/84	851.8C.
(13) Definition of Solid Waste: 50 FR 614–668, 1/4/85; as amended on 4/11/85 at 50 FR 14216–14220 and 8/20/85, 50 FR 33541–33543.	854.3M, 850.3A2, 856.11A5av, 850.3A4xiii, xvi, xviii, xv; Basis Statement, 850.3A5, 856.11A4, 5, 850.3A2, 6, 10, 11; 856.11A6, 9, 860, 853, 857, 851, 854, 850.3C2, 4, 856.4A, C, 5A; 854.13, 855.9J, 860.4D, 856.11A9.
(15) Interim Status Standards for Treatment, Storage, and Disposal Facilities: 50 FR 16044–16048, 4/23/85.	855.9E, G, H.
NON–HSWA Cluster II	
(24) Financial Responsibility: Agreement: See 24 (Amended) at Non-HSWA VI: Maine is adopting the amended version of this checklist, CL 24A	
(26) Listing of Spent Pickle Liquor (K062): 51 FR 19320–19322, 5/28/86; as amended 9/22/86 at 51 FR 33612.	850.3C3.
Non-HSWA Cluster III	
(MW) Radioactive Mixed Waste: 51 FR 24504, 7/3/86	AG Statement, 850.3Aaiib, 850.4Aav.
(27) Liability Coverage; Corporate Guarantee: 51 FR 25350–25356, 7/11/86	854.6C16, 16e.
(28N) Standards for Hazardous Waste Storage and Treatment Tank Systems: 51 FR 25422–25486, 7/14/86; as amended on 8/15/86 at 51 FR 29430–29431.	854.3A, C, E, G, I, P, Q, U, Y, Z, HH, KK, PP, QQ; 851.8B2, 11, 851, 854.6C5, 9b, 15, 16; 854.12B1, C2, 5, 7, 9, 13; D, E3, G, 855.9A3, 5, 9b, 15, 16; 855.9D, 856.10B, E.
(29) Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents: 51 FR 28296–28310, 8/6/86.	Superseded by CL 46 at Non-HSWA IV.
(35) Revised Manual SW–846; Amended Incorporation by Reference: 52 FR 8072–8073, 3/16/87.	850 Appendix I through XI.
(36) Closure/Post-closure Care for Interim Status Surface Impoundments: 52 FR 8704–8709, 3/19/87.	855.9E2, 3.
(37) Definition of Solid Waste; Technical Corrections: 52 FR 21306–21307, 6/5/87	850.3A2, 3C4.
(38) Amendments to Part B Information Requirements for Disposal Facilities: 52 FR 23447–23450, 6/22/87; as amended on 9/9/87 at 52 FR 33936.	856.10B16g, h.
Non-HSWA Cluster IV	
(40) List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring: 52 FR 25942–25953, 7/9/87.	854.8D2, 854 Appendix IX, 856.10B16dii.
(41) Identification and Listing of Hazardous Waste: 52 FR 26012, 7/10/87	850.3C4c.
(43) Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee: 52 FR 44314–44321, 11/18/87.	854.6C16e, 855.9A16.
(45) Hazardous Waste Miscellaneous Units: 52 FR 46946–46965, 12/10/87	854.5E, 854.3R, W, 854.6A, 6C5, 6C9b, 6C15, 6C16, 854.7A, 854.15A, B, C, D, 856.10B, 856.10J1, a, b, c, 10J2.

Federal requirements	State authorities
(46) Technical Corrections; Identification and Listing of Hazardous Waste: 53 FR 13382–13393, 4/22/88.	850.3C4, 3C4f, 850 Appendix VIII.
Non-HSWA Cluster V	
(49) Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption: 53 FR 27290–27302, 7/19/88.	850.3A4b, bi, bii, biii, 3A4c.
(52N) Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems: 53 FR 34079–34087, 9/2/88.	856.3B.6D, 854.6C15, 12B, 12E3, 5, 855.9A15, 9D.
(53) Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification: 53 FR 35412–35421, 9/13/88.	850.3C3, 850 Appendix VII.
(55) Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities: 53 FR 39720–39731, 10/11/88.	854.8D2, 4, 854.8A3.
(58) Standards for Generators of Hazardous Waste: 53 FR 45089–45093, 11/8/88	857.4.
(59) Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators: 54 FR 615–617, 1/9/89.	856.10B.
(60) Amendment to Requirements for Hazardous Waste Incinerator Permits: 54 FR 4286–4288, 1/30/89.	856.10D2.
(61) Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-closure Permitting: 54 FR 9596–9609, 3/7/89.	856.5F, 10A1, 10A12, 12A3, 12B, 12C, 12G, 38 MRSA §1319–R(6), S(5), 855.6, 6B, 6D, 6D1, 2, 855.7E, F.
Non-HSWA Cluster VI	
(24A) Financial Responsibility; Settlement Agreement: 51 FR 16422–16459, 5/2/86.	854.3B, 3J, 3N, 3AA, 6C15, 6C16, 855.9A15, 9A15e, f, g, 9A16, 855.6B, 856.10B, 13A11.
(65) Mining Waste Exclusion I: 54 FR 36592–36642, 9/1/89	850.3A3bii, biii, 3A4aix NOTE, 200.1H, UU.
(67) Testing and Monitoring Activities: 54 FR 40260–40269, 9/29/89	850 Appendix III, Appendix III Table 2, Table 3.
(70) Changes to Part 124 Not Accounted for by Present Checklists: 48 FR 14146–14295, 4/1/83; 48 FR 30113–30115, 6/30/83; 53 FR 28118–28157, 7/26/88; 53 FR 37396–37414, 9/26/88; 54 FR 246–258, 1/4/89.	856.5A, B, C, D, 10A1, 2, 3, 12, 13, 14, 15, 16, 20, 12A, B, C, I, 13A, A7, 13C, 15 13A7, 13C, 2.18, 30.5B, C, 7, 21, 856.5A, B.
HSWA Cluster I	
(SR1) Existing and newly regulated surface impoundments; HSWA §3005(j)(1)&(6), 11/8/84.	AG Statement XVI.1(1).
(SR2) Variance under §3005(j) (2)–(9) & (13); HSWA §3005(j) (2)–(9), 11/8/84	AG Statement XVI.1(3).
(14) Dioxin Waste Listing and Management Standards: 50 FR 1978–2006, 1/14/85.	850.3A5c, 3C, 3C4, 3A7, 850 Appendix III, VII, VIII, X, 854.8C, 10C10, 11B1, 12B1, 12B3, 9E, 855.5B6, 9I, 9J, 856.10B, C, E, F, G.
(16) Paint Filter Test: 50 FR 18370–18375, 4/30/85	854.6C3, 5, 9, 855.9A3, 9, 855.9H.
(SI) Sharing of Information with Agency for Toxic Substances and Disease Registry; HSWA §3019(b), 7/15/85.	AG Statement XVIII.B.
(17) HSWA Codification Rule, 50 FR 28702–28755, 7/15/85:	
(17A) Small Quantity Generators	17(A) Superseded by CL 23.
(17D) Waste Minimization	17(D) 851.9E1, 857.4, 5B, 854.6C9, 9b, 856.13A10b, 855.5, 5B8.
(17E) Location Standards for Salt Domes, Salt beds, Underground Mines and Caves.	17(E) 855.5B7.
(17F) Liquids in Landfills	17(F) 854.8C5, 855.9H, 856.10C1.
(17G) Dust Suppression	17(G) 850.3A8.
(17H) Double Liners	17(H) 854.8B, 9B1, 2, 18, 855.6C.
(17I) Ground-Water Monitoring	17(I) 854.8C, H, 9F2, G, 11C.
(17J) Cement Kilns	17(J) 850.3A9, 3C4.
(17L) Corrective Action	17(L) 854.5E, 854.6A, C18, 8D2, 3, 4, 9B16, 855.9B, 856.11A2aii, 10B16, 17.
(17M) Pre-construction Ban	17(M) 856.4A.
(17N) Permit Life	17(N) 856.5C, D, 12E.
(17O) Omnibus Provision	17(0) 856.12E.
(17P) Interim Status	17(P) 855.5B, 5B8, 7E, 7F, 856.10A1, 12, 13A10.
(17R) Hazardous Waste Exports	17(R)(superseded by CL 31).
(17S) Exposure Information	17(S) 856.10C13.
(18) Listing of TDI, DNT, and TDA Wastes: 50 FR 42936–42943, 10/23/85	850.3C3, 3C4f, 850 Appendix III, VII, VIII.
(20) Listing of Spent Solvents: 50 FR 53315–53320, 12/31/85; as amended on 1/21/86 at 51 FR 2702.	850.3C2.
(21) Listing of EDB Wastes: 51 FR 5327–5331, 2/13/86	850.3C3, Appendix III, VII.
(22) Listing of Four Spent Solvents: 51 FR 6537–6542, 2/25/86	850.3C2, 3C4, Appendix III, VII, VIII.
(23) Generators of 100 to 1000kg Hazardous Waste: 51 FR 10146–10176, 3/24/86.	850.3A5, 3A5a, b, c, d, e, 3C4f, 851.8B, 9, 855.5B2, 856.6A, 857, 857.7G, 11.
(25) Codification Rule; Technical Correction: 51 FR 19176–19177, 5/28/86	850 Appendix XI, 854.8C5, 855.9H.
(28H) Standards for Hazardous Waste Storage and Treatment Tank Systems: 51 FR 25422–25486, 7/14/86; as amended on 8/15/86 at 51 FR 29430–29431.	See 28N under Non-HSWA III.
(30) Biennial Report Correction: 51 FR 28556, 8/8/86	854.6C11, 855.9A11.
(31) Exports of Hazardous Waste: 51 FR 28664–28686, 8/8/86	850.3A4a, 3A5d, 851.9E1, 10, 857.4, 5B, 6D, 7C, 7D.
(32) Standards for Generators—Waste Minimization Certifications: 51 FR 35190–35194, 10/1/86.	857.5B
(33) Listing of EBDC: 51 FR 37725–37729, 10/24/86	850.3C3, Appendix III, VII.

Federal requirements	State authorities
(34) Land Disposal Restrictions: 51 FR 40572–40654, 11/7/86; as amended on 6/4/87 at 52 FR 21010–21018.	850.3A1, 3A4xii, 3A5, c, d, 3A7, 3B1b, 3C1b, 851.4A, 5, 852.2, 3, 3B, 3C, 3E, 5, 6, 7A1, 2, 7A2a, 7A3, 7A5, 8B, 9A, 9B, 10, 12, 12A1, A2, 12, 12B, 12C, 12D, 13A, B, 14A, B, 852 Appendix I, II, 854.6C3, 6C9b, 855.9A3, 9A9, 856.4A, 10B, 12E, 38 MRSA § 1310–B2, 4, 5 MRSA Administrative Procedures Act § 8055, AG Statement.
HSWA Cluster II	
(39) California List Waste Restrictions: 52 FR 25760–25792, 7/8/87; as amended on 10/27/87 at 52 FR 41295–41296.	850.3B2ai, 850 Appendix III, 852.3A, 3C, 3C, 5, 6, 7, 7B, 10, 12, 13A, 13C, 13C3, 13C4, 13C5, 13C6, 14, 852 Appendix III, 854.6C3, 855.6D, 9A3, 856.4A, 5C, 5D.
(42) Exception Reporting for Small Quantity Generators of Hazardous Waste: 52 FR 35894–35899, 9/23/87.	857, 857.7F, 7G.
(44) HSWA Codification Rule 2: 52 FR 45788–45799, 12/1/87	
(44A) Permit Application	(44A)856.10B16, B17, B17a, b, c, d, e, f.
Requirements Regarding Corrective Action:	
(44B) Corrective Action Beyond	(44B) 854.6C18, 854.8D2.
Facility Boundary:	
(44C) Corrective Action for	(44C) 854.5E.
Injection Wells:	
(44D) Permit Modification	(44D) 856.13A7.
(44E) Permit as a Shield	(44E) 856.4C1, 4D.
Provision:	
(44F) Permit Conditions to Protect Human Health and the Environment	(44F) 856.10B18.
(44G) Post-Closure Permits	(44G) 856.5F.
(47) Identification and Listing of Hazardous Waste; Technical Correction: 53 FR 27162–27163, 7/19/88.	850.3A5c.
(48) Farmer Exemptions; Technical Corrections: 53 FR 27164–27165, 7/19/88	851.10, 852.5, 856.6B.
(50) Land Disposal Restrictions for First Third Scheduled Wastes: 53 FR 31138–31222, 8/17/88 as amended on 2/27/89 at 54 FR 8264–8266.	850.3A2, 852.5, 7A, 7A2a, b, c, d, 852.10, 11, 12D, 13A, 13B, 13C, 13D, 14, 854.6C3, 6C9b, 855.9A3, 9A9b.
(52H) Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems: 53 FR 34079–34087, 9/2/88..	See (52N) at Non-HSWA V.
(62) Land Disposal Restriction Amendments to First Third Scheduled Wastes: 54 FR 18836–18838, 5/2/89.	852.14A.
(63) Land Disposal Restrictions for Second Third Scheduled Wastes: 54 FR 26594–26652, 6/23/89.	852.13D, 14A.
(66) Land Disposal Restrictions; Corrections to the First Third Scheduled Wastes: 54 FR 36967, 9/6/89, as amended on 6/13/90 at 55 FR 23935.	852.5, Note to 852.5, 10, 11, 12D, 13C, 13D.
(68) Reportable Quantity Adjustment Methyl Bromide Production Wastes: 54 FR 41402–41408, 10/6/89.	850.3C3, Appendix III, VII.

D. Decision

I conclude that Maine's final application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Maine is granted final authorization to operate its hazardous waste program as revised.

Maine now has responsibility for permitting treatment, storage, and disposal facilities within its jurisdiction and for carrying out the other aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Maine also has primary RCRA enforcement responsibility in the State for its authorized program, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes 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, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program, except in certain cases where a ''federal intergovernmental mandate'' affects an annual federal entitlement program of $500 million or more that are not applicable here. Maine's request for approval of

hazardous waste program revisions to its authorized hazardous waste program is voluntary and imposes no Federal mandate within the meaning of the Act. Rather, by having its hazardous waste program approved, the State will gain the authority to implement the program within its jurisdiction, in lieu of EPA, thereby eliminating duplicative State and Federal requirements. If a State chooses not to seek authorization for administration of a hazardous waste program under RCRA Subtitle C, RCRA regulation is left to EPA.

In any event, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures $100 million or more for State, local, and tribal governments in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Maine's hazardous waste program as referenced in today's document will result in annual costs of $100 million or more. EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual Federal and State compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Certification Under the Regulatory Flexibility Act

EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Envorcement Fairnes Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Maine's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office Under the Small Business Regulatory Enforcement Fairness Act

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

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Resource Conservation and Recovery Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 6, 1997.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 97–16212 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–43, 101–44, 101–45, and 101–46

[FPMR Amendment H–196]

RIN 3090–AG46

Discontinuation of Interagency Reporting Requirements 0015–GSA–AN, 1528–GSA–AN, and 1529–GSA–A

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This amendment eliminates the requirements that agencies submit to GSA annual reports on the utilization and disposal of excess and surplus personal property (interagency report control (IRC) number 0015–GSA–AN), exchange/sale transactions (IRC number 1528–GSA–AN) and the recovery of precious metals (IRC number 1529–GSA–A). GSA has carefully reviewed the requirements of these reports and concluded that in light of shrinking Governmentwide resources and in the interest of streamlining, the reports should be discontinued.

EFFECTIVE DATE: June 24, 1997.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202–501–3846.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

REGULATORY FLEXIBILITY ACT: This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Parts 101–43, 101–44, 101–45, and 101–46

Government property management, Reporting and recordkeeping requirements, Surplus Government property.

For the reasons set forth in the preamble, 41 CFR Parts 101–43, 101–44, 101–45, and 101–46 are amended as follows:

1. The authority citation for parts 101–43, 101–44, 101–45, and 101–46 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101–43.47—Reports

2. Section 101–43.4701 is amended by removing and reserving paragraph (a) and by revising the introductory text of paragraph (c) to read as follows:

§ 101–43.4701 Performance reports.

* * * * *

(c) In accordance with section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), an annual report, in letter form, of personal property obtained as excess property or as property not excess to the owning agency but determined to be no longer required for the purposes of the appropriation from which it was purchased, and subsequently furnished to a recipient other than a Federal agency in any manner within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, shall be submitted by each executive agency to the General Services Administration (FBP), Washington, DC 20406, within 90

calendar days after the close of each fiscal year. The report shall include only those items furnished to non-Federal recipients during the fiscal year being reported. Interagency report control number 0154–GSA–AN has been assigned to this report. Negative reports are required.

* * * * *

Subpart 101–43.49—Illustrations of Forms

§ 101–43.4901–121 [Removed]

3. Section 101–43.4901–121 is removed.

§ 101–43.4901–121–1 [Removed]

4. Section 101–43.4901–121–1 is removed.

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.47—Reports

§ 101–44.4701 [Amended]

5. Section 101–44.4701 is amended by removing and reserving paragraph (a).

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.10—Recovery of Precious Metals

6. Section 101–45.1002 is revised to read as follows:

§ 101–45.1002 Agency responsibilities.

Heads of executive agencies are responsible for establishing, maintaining, and pursuing a program for recovery of precious metals. The provisions of this § 101–45.1002 provide guidance with respect to surveys, assignments of program monitors, and internal audits. Precious metals that may be designated for recovery include gold, silver, and metals in the platinum family. Examples of silver bearing scrap and waste include used photographic fixing (hypo) solution, photographic and X-ray film, silver alloys, and dental scrap. Other examples of precious metals bearing materials include electronic scrap, ADPE, welding and brazing wire, anodes, and batteries. Certain strategic and critical materials may also be designated for recovery.

§ 101–45.1002–2 [Reserved]

7. Section 101–45.1002–2 is removed and reserved.

8. Section 101–45.1002–3 is revised to read as follows:

§ 101–45.1002–3 Precious metals recovery program monitor.

Each agency should designate an individual to monitor its precious metals recovery program. Responsibilities of the precious metals monitor should include conducting and initiating surveys; implementing and improving recovery procedures; and monitoring the agency's recovery program.

9. Section 101–45.1004–1 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 101–45.1004–1 Civil agency participation in the DOD Precious Metals Recovery Program.

(a) Civil agencies wishing to participate in the DOD precious metals recovery system should contact the Manager, DOD Precious Metals Recovery Program, Attention: DLA–MMLC, Fort Belvoir, VA 22060, for further information regarding the following plans:

* * * * *

Subpart 101–45.47—Reports

§ 101–45.4701 [Reserved]

10. Section 101–45.4701 is removed and reserved.

Subpart 101–45.49—Illustrations of Forms

§ 101–45.4901–291 [Removed]

11. Section 101–45.4901–291 is removed.

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101–46.2—Authorization

12. Section 101–46.201–2 is amended by revising paragraph (a) to read as follows:

§ 101–46.201–2 Transfer and exchange between Federal agencies.

(a) Executive agencies having property that is determined to be available for exchange or sale under this part shall, to the maximum extent practicable or economical and prior to any disposal action, solicit Federal agencies known to use or distribute this property and arrange for transfers thereto, except that no attempt need be made to obtain further utilization of property that is eligible for replacement in accordance with replacement standards prescribed in Subpart 101–25.4.

* * * * *

13. Section 101–46.202 is amended by revising paragraph (c)(10) to read as follows:

§ 101–46.202 Restrictions and limitations.

* * * * *

(c) * * *

(10) Even though otherwise eligible, the exchange or sale of property which was originally acquired as excess or forfeited property, or from another source other than new procurement, unless such property has been placed in official use by the acquiring agency for a minimum of 1 year. Forfeited property placed in official use for less than 1 year may be exchanged or sold if the head of the agency certifies that a continuing valid requirement exists, but the specific item in use no longer meets that requirement, and that the exchange or sale meets all other requirements of this part.

* * * * *

14. Section 101–46.203 is amended by revising paragraph (b) to read as follows:

§ 101–46.203 Special authorizations.

* * * * *

(b) In acquiring items for historical preservation or display at Federal museums, executive agencies may exchange historic items in the museum property account without regard to the Federal supply classification group or the requirement in § 101–46.202 to replace items on a one-for-one basis, provided the exchange transaction is documented and certified by the agency head to be in the best interest of the Government and all other provisions of this part are met. The documentation must contain a determination that the item exchanged and the item acquired are historic items. As used in this section, the term ''historic item'' means property having added value for display purposes because of its historical significance that is greater than the fair market value of the item for continued use. This definition of historic item does not include items that are commonly available and remain in use for their intended purpose, such as military aircraft still in use by active or reserve units.

Subpart 101–46.3—Exchange and Sale Procedures

§ 101–46.301 [Reserved]

15. Section 101–46.301 is removed and reserved.

§ 101–46.305 [Removed]

16. Section 101–46.305 is removed.

Dated: March 26, 1997.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 97–16320 Filed 6–23–97; 8:45 am]

BILLING CODE 6820–24–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 16

[CGD 95–011]

RIN 2115–AF02

Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Implementation of Drug Testing in Foreign Waters

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim rule that established January 2, 1997, as the effective date for implementation of chemical drug testing of persons on board U.S. vessels in waters subject to the jurisdiction of a foreign country. Under the interim rule, industry has until July 1, 1997, to implement the required testing, but may be exempted from testing requirements when compliance would violate the domestic laws or policies of another country.

DATES: This final rule is effective July 24, 1997.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: LT Jennifer Ledbetter, Project Manager, Marine Investigation Division (G–MOA–1), telephone (202) 267–0684.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On November 21, 1988, the Coast Guard promulgated regulations requiring pre-employment, periodic, post-accident, reasonable cause, and random drug testing of U.S. crewmembers on U.S. vessels (53 FR 47079). The final rule provided that the testing requirements of 46 CFR part 16 did not apply to any person for whom compliance with the rules would violate the domestic laws or policies of another country. The effective date of part 16, with respect to any person on board a U.S. vessel in waters subject to the jurisdiction of a foreign government, was delayed until January 1990. The Coast Guard subsequently delayed implementation of foreign testing requirements several times, the last of which was on December 28, 1995, delaying the implementation to January 2, 1997 (60 FR 67062). These rules did not prohibit employers from conducting chemical testing of U.S. personnel in foreign waters. However, the requirement to perform such tests was delayed. Many companies continued to test mariners in foreign waters under company policy.

On August 21, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM)(60 FR 43426) proposing to revise 46 CFR 16.207 to provide that U.S. drug testing requirements would not apply in waters subject to the jurisdiction of a foreign government.

Comments on the NPRM expressed the need for testing requirements, even in foreign waters. As a result of these comments, the Coast Guard reconsidered its proposal. On December 18, 1996, the Coast Guard published the interim rule (61 FR 66612) which required drug testing of crewmembers on board U.S. vessels within waters subject to the jurisdiction of a foreign government, effective on January 2, 1997.

Discussion of Comments

One letter was received in response to the interim rule published on December 18, 1996. It did not address the rule's provisions for chemical drug testing in waters subject to the jurisdiction of a foreign government. The comment generally discussed the purpose and effectiveness of the chemical drug testing program in the Coast Guard and the Department of Transportation. These issues are beyond the scope of this rulemaking, and therefore, are not addressed in this document. The Coast Guard received no other comments on the interim rule. Therefore, the Coast Guard is adopting as final its rule to implement the original requirements for chemical testing of U.S. crewmembers on board U.S. vessels within waters that are subject to the jurisdiction of a foreign government. The effective date of this provision was January 2, 1997, but employers have until July 1, 1997, to implement required chemical testing on U.S. vessels in waters subject to the jurisdiction of a foreign country.

Regulatory Evaluation

This final 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 not been reviewed 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 11034; February 26, 1979). The Coast Guard acknowledges that there are companies whose current policy is not to conduct chemical testing in waters subject to a foreign government. To implement such testing now would increase these companies' operating expenses. However, this cost was part of the costs evaluated in the original rulemaking and deferred to this time because of the numerous delays in implementing testing in foreign waters. The economic impact of these changes is so minimal that further evaluation is not necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments on the interim rule from small entities. The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small business and need assistance understanding the provisions of this rule or applying for an exemption under this rule, please contact your local Officer in Charge, Marine Inspection (OCMI).

Collection of Information

This final rule contains no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order

12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under paragraph 2.B.2.e(34)(c) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. This final rule would have no direct environmental impact. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

PART 16—CHEMICAL TESTING

Accordingly, the interim rule amending 46 CFR part 16 which was published at 61 FR 66612 on December 18, 1996, is adopted as a final rule without change.

Dated: June 18,1997.

G.N. Naccara,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–16523 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 91–281; FCC 97–103]

Caller ID

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: On March 25, 1997, the Commission released an Order that exempts several categories of telephone lines from the Caller Identification (''Caller ID'') blocking and unblocking rules. The Commission found that the exemptions from the blocking and unblocking requirements were warranted because the record stated that the calling party number (''CPN'') is rarely passed to interconnecting carriers from certain telephone lines. The Order also affirmed that the Commission's Caller ID rules and policies apply to party lines, hotel and motel lines, and call return services, such as automatic call return (ACR).

DATES: Effective June 24, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathy Harvey or Debra Harper at (202) 418–2320, Common Carrier Bureau, Network Services Division.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order, CC Docket No. 91–281, adopted March 21, 1997 and released March 25, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street, NW, Washington, DC 20554. The rules do not impose paperwork collection obligations.

Synopsis of the Order

In this Order we examined the technical and economic feasibility of requiring carriers to provide blocking and unblocking features. In response to new information, we re-examined the Caller ID rules and policies, and modified the rules governing payphones. We also established new rules to govern local exchange carriers (''LECs'') without blocking and unblocking capabilities, and private branch exchange (''PBX'') and related systems. In addition, we affirmed that our current Caller ID rules and policies applied to party lines, hotel and motel lines, and call return services, such as Automatic Call Return (ACR).

After further consideration, we concluded that LECs with SS7, but without CLASS™ software, are not required to pass the CPN. We also concluded that, to the extent that a LEC passes CPN to an interconnecting carrier, it must provide subscribers with blocking and unblocking capabilities. Additionally, we modified our policies on payphone lines and found that carriers are not required to provide blocking and unblocking capabilities on these lines.

We further concluded that PBX and Centrex systems must provide some type of blocking and unblocking capabilities if, and only if, they pass CPN to the public switched network (''PSN''). We determined that Centrex systems that pass CPN to the PSN, and that currently employ *6 or *8 for functions other than blocking and unblocking, may continue to use such codes. Providers of Centrex service, however, must still offer users blocking and unblocking capabilities in some manner if CPN is passed.

Finally, we affirmed that hotel and motel lines not served by a PBX, and party lines, require blocking and unblocking capabilities and that carriers are prohibited from processing ACR requests when the original call was made with a privacy request.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rules Changes

Accordingly part 64 of title 47 is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201–4, 218, 225, 226, 227 unless otherwise noted.

2. Section 64.1601 is amended by revising paragraphs (a), (b), (d) introductory text, (d)(1), (d)(2), (d)(3), and adding new paragraph (d)(4) to read as follows:

§ 64.1601 Delivery requirements and privacy restrictions.

(a) *Delivery.* Except as provided in paragraph (d) of this section, common carriers using Signaling System 7 and offering or subscribing to any service based on Signaling System 7 functionality are required to transmit the calling party number (CPN) associated with an interstate call to interconnecting carriers.

(b) *Privacy.* Except as provided in paragraph (d) of this section, originating carriers using Signaling System 7 and offering or subscribing to any service based on Signaling System 7 functionality will recognize *67 dialed as the first three digits of a call (or 1167 for rotary or pulse dialing phones) as a caller's request that the CPN not be passed on an interstate call. Such carriers providing line blocking services will recognize *82 as a caller's request that the CPN be passed on an interstate call. No common carrier subscribing to or offering any service that delivers CPN may override the privacy indicator associated with an interstate call. Carriers must arrange their CPN-based services, and billing practices, in such a manner that when a caller requests that the CPN not be passed, a carrier may not reveal that caller's number or name, nor may the carrier use the number or name

to allow the called party to contact the calling party. The terminating carrier must act in accordance with the privacy indicator unless the call is made to a called party that subscribes to an ANI or charge number based service and the call is paid for by the called party.

* * * * *

(d) *Exemptions.* Section 64.1601(a) and (b) shall not apply when:

(1) A call originates from a payphone.

(2) A local exchange carrier with Signaling System 7 capability does not have the software to provide *67 or *82 functionalities. Such carriers are prohibited from passing CPN.

(3) A Private Branch Exchange or Centrex system does not pass end user CPN. Centrex systems that rely on *6 or *8 for a function other than CPN blocking or unblocking, respectively, are also exempt if they employ alternative means of blocking or unblocking.

(4) CPN delivery—

(i) Is used solely in connection with calls within the same limited system, including (but not limited to) a Centrex system, virtual private network, or Private Branch Exchange;

(ii) Is used on a public agency's emergency telephone line or in conjunction with 911 emergency services, or on any entity's emergency assistance poison control telephone line; or

(iii) Is provided in connection with legally authorized call tracing or trapping procedures specifically requested by a law enforcement agency.

[FR Doc. 97–16482 Filed 6–23–97; 8:45 am]

BILLING CODE 6401–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 960805216–7111–06; I.D. 061797B]

Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for North Carolina

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the scup commercial quota for the 1997 Summer period (May 1, 1997 - October 31, 1997) available to the State of North Carolina has been harvested. Vessels issued a commercial Federal fisheries permit for the scup fishery may not land scup in North Carolina for the remainder of the 1997 Summer period, unless additional quota becomes available through a transfer. Regulations governing the scup fishery require publication of this notification to advise the State of North Carolina that the quota allocated for the 1997 Summer period has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing scup in North Carolina for the remainder of the Summer period.

DATES: Effective 0001 hrs, local time (l.t.), June 18, 1997, through 2400 hrs, l.t., October 31, 1997.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508–281–9347.

SUPPLEMENTARY INFORMATION: Regulations governing the scup fishery are found at 50 CFR part 648. Section 648.120(d) requires annual specification of a commercial quota that is allocated into two Winter periods: January-April (Winter I) and November-December (Winter II); and one Summer period: May-October (Summer)(62 FR 27978, May 22, 1997). The Winter periods are allocated coastwide among the states from Maine to North Carolina and the Summer period is allocated on a state-by-state basis from Maine to North Carolina. The process to set the annual commercial quota and the percent allocated to each state for the Summer period are described in 50 CFR § 648.120.

The total commercial quota for scup for the 1997 Summer period is set equal to 2,337,000 lb (1,060,045 kg) (62 FR 27978, May 22, 1997). The percent allocated to vessels landing scup in North Carolina is 0.02688 percent, or 628 lb (285 kg).

Section 648.120(d)(6) provides that any overages of the commercial quota for a Summer period landed in any state will be deducted from that state's quota for the following Summer period.

Section 648.121(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor states' commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing scup in that state for the Summer period. The Regional Administrator has determined, based on dealer reports and other available information, that the State of North Carolina's commercial quota for the Summer period has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders must agree as a condition of the permit not to land scup in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hrs, l.t., June 18, 1997, through 2400 hrs, l.t., October 31, 1997, further landings of scup in North Carolina by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1997 Summer period, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also advised that they may not purchase scup from Federally permitted vessels that land in North Carolina for the remainder of the Summer period, or until additional quota becomes available, effective the date above.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12286.

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

Dated: June 18, 1997.

Bruce Morehead,

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

[FR Doc. 97–16404 Filed 6–18–97; 4:08 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 121
Tuesday, June 24, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 733

RIN 3206–AF78

Political Activity: Federal Employees Residing in Designated Localities

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing changes to rules concerning the political activities of Federal employees who reside in localities designated by OPM. The proposed rule is limited in scope to matters concerning exemptions for employees residing in designated localities and to the political activities that are associated with the local elections for partisan political office in these localities.

DATES: Written comments must be received on or before August 25, 1997.

ADDRESSES: Send written comments to Lorraine Lewis, General Counsel, Office of Personnel Management, Room 7355, 1900 E Street, NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Chabot, (202) 606–1700.

SUPPLEMENTARY INFORMATION: On October 6, 1993, President Clinton signed the Hatch Act Reform Amendments of 1993, Public Law 103–94. The Amendments specifically authorize OPM to issue regulations on the political activities of Federal employees regarding matters described in 5 U.S.C. 7325, as amended, concerning Federal employees' participation in local elections of the localities in which they reside.

On February 4, 1994, OPM published an interim regulation on the political activities of Federal employees residing in specified localities designated by OPM. 59 FR 5313. OPM received comments from three individuals; a Federal employee labor organization; six Federal agencies; and two local governments. In addition, Congress recently enacted an amendment to the Reform Amendments authorizing OPM to permit employees in specified sensitive agencies and positions to participate in the local elections of the designated localities in which they reside. OPM also has determined that the Federally employed residents of Spotsylvania County, Virginia, as well as the Federally employed residents of St. Mary's County, Maryland, qualify for a partial exemption from the prohibitions of 5 U.S.C. 7323(a) (2) and (3). Finally, in connection with its interim regulation, OPM received two comments which suggested that the partial exemption granted by the Civil Service Commission to employees residing in the District of Columbia is invalid. OPM is seeking further comments on this matter.

The OPM interim regulation on the political activities of Federal employees residing in designated localities will remain in effect during this notice and comment period and until the final regulation for part 733 takes effect. The OPM regulation on the political activities of Federal employees appears at 5 CFR part 734 (1996) as modified by the amendments appearing at 61 FR 35088–35102 (July 5, 1996).

Definitions

Section 733.101 of the proposed regulation defines the terms that apply to part 733. OPM received a comment from one Federal agency concerning the definitions in the interim regulation and suggesting that OPM should define the term *solicit*. OPM agrees with this suggestion in view of the activities that are permitted and prohibited under § 733.103, and proposes to add a definition of *solicit* to § 733.101. OPM also proposes to add the definitions of related terms, such as *accept, person*, and *receive*, to § 733.101 for the same reasons, and to add the definition of *subordinate* to § 733.101 in conjunction with provisions concerning uncompensated volunteer services that OPM proposes to add to part 733. OPM notes that the definitions of *accept* and *receive* cover only the acts of accepting or receiving something from a person officially on behalf of a candidate, campaign, a political party or a partisan political group. Ministerial activities which precede or follow the official acceptance and receipt, such as handling, disbursing, or accounting for contributions are not covered under the definitions of *accept* and *receive.*

OPM further proposes to add the definitions of *candidate, campaign, election, on duty, partisan, partisan political group, political activity, political management, political party, political purpose, room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency thereof,* and *uniformed service* to § 773.101 because they appear as descriptive terms in part 733. Finally, the existing definition of *political contribution* does not reflect that the Reform Amendments allow Federal employees to solicit, accept, receive, and direct uncompensated volunteer services from certain individuals during the course of a campaign. Therefore, OPM proposes to revise the definition of *political contribution* specifically to exclude such services. The definitions of *employee* and *partisan political office* have not been changed from the definition of these terms in the interim regulation. All of the definitions in § 733.101 of the proposed regulation are identical to the definitions of the same terms appearing in part 734 of this title.

Exclusion From Coverage

The interim regulation excludes several categories of employees from coverage under part 733. The exclusionary provision in the interim regulation currently applies to employees in the sensitive agencies and positions that are described in 5 U.S.C. 7323(b)(2) and to employees of the Criminal Division of the Department of Justice as specified in 5 U.S.C. 7323(b)(3). Four Federal agencies submitted comments concerning the exclusionary provision in the interim regulation. These agencies stated that employees who reside in designated localities should not be excluded from participation in local partisan elections as independent candidates, or on behalf of independent candidates, because they previously had been permitted to participate in these activities under the more restrictive provisions of the Hatch Act.

On January 6, 1996, Congress amended the Reform Amendments by adding a new provision which

authorizes OPM to permit employees who are described in 5 U.S.C. 7323(b)(2), and who reside in the designated localities, to participate in the local partisan elections of these localities. Section 308 of Pub. L. 104–93, 109 Stat. 961, 966. In view of the amendment to the Reform Amendments and the comments that OPM received on this issue, OPM finds that employees in the agencies and positions specified in 5 U.S.C. 7323(b)(2) who reside in designated localities may be permitted to participate in the local partisan elections of those localities. Therefore, OPM proposes to permit these employees to participate in such local elections as independent candidates and in support of, or opposition to, independent candidates. OPM also proposes to remove these employees from the exclusionary provision which, for purposes of clarity, appears in § 733.102 of the proposed regulation.

This amendment to the Reform Amendments, however, does not mention the employees of the Criminal Division of the Department of Justice who are described in 5 U.S.C. 7323(b)(3). Moreover, the legislative history of the added provision does not reflect that Congress intended to extend the coverage of the amendment to these employees. Therefore, OPM proposes that employees of the Criminal Division of the Department of Justice will continue to be excluded from coverage under part 733, except for employees in the Criminal Division who are appointed by the President, by and with the advice and consent of the Senate. This tracks the exception described in the Reform Amendments, at 5 U.S.C. 7323(b)(3), for such Presidential appointees in the Criminal Division at the Department of Justice.

Permitted and Prohibited Political Activities—Elections for Local Public Office in Designated Localities

Candidacy for Local Partisan Political Office

The interim regulation currently permits employees to run as candidates in elections for local partisan political office in the municipality or subdivision in which they reside, but requires such employees to run as independent candidates. A Federal employee labor organization suggested that employees who reside in designated localities should not be required to run as independent candidates for election to local partisan political offices and should, instead, be able to run for local public office as the candidates of partisan political parties. The labor organization stated its view that, under 5 U.S.C. 7325, employees who reside in designated localities have ''the right to run for local partisan political office and to solicit political contributions in support of these campaigns.'' It further stated that section 7325 specifically provides that such employees may participate actively in local political management and political campaigns ''without regard to the prohibitions in paragraphs (2) and (3) of Section 7232(a),'' which concern soliciting, accepting and receiving political contributions, and running for election to partisan political office.

The labor organization noted that OPM relied on section 10 of the Reform Amendments (the Sense of the Senate) in requiring employees to run as independent candidates in local elections for partisan political office and in prohibiting employees from soliciting political contributions in these local elections. It noted that section 10 of the Reform Amendments states the Sense of the Senate that Federal employees should not be authorized to solicit political contributions, or to run for the nomination or as a candidate for local partisan political office, except as expressly provided under current law. The labor organization stated that the legislative history of the Reform Amendments demonstrates that section 10 was added to the Reform Amendments to express disagreement with the House version of the Hatch Act reform bill, which would have permitted all Federal employees to run for local partisan political office and to solicit political contributions from the general public. Accordingly, the labor organization stated that section 10 was not intended to restrict the activities of Federal employees in specific communities, but was aimed solely at the rights granted by the House bill to Federal employees in general.

OPM has not adopted this suggestion. The legislative history of the Reform Amendments is at best inconclusive regarding the purpose behind including section 10 in the Reform Amendments. Moreover, the law itself, at 5 U.S.C. 7325, does not give to the Federally employed residents of designated localities the ''right'' to run for local partisan political office as the candidates of partisan political parties. Section 7325 provides that OPM ''may prescribe regulations permitting employees, without regard to the prohibitions in [5 U.S.C. 7327(a)(2) and (3)], to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest * * *'' when the statutory conditions specified in section 7325 are fulfilled.

Independent candidates in local partisan elections clearly are candidates for ''partisan political office'' within the meaning of the Reform Amendments, which define that term as ''any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last (Presidential election).'' Thus, under the Reform Amendments, an independent candidate runs for partisan political office when he or she opposes the candidates of political parties. It is clear from the language of the Reform Amendments, particularly the Sense of the Senate (section 10), as well as from the legislative history of the Reform Amendments that, in permitting employees to participate in a much broader range of political activities, Congress was especially concerned about the possibility that Federal employees would become candidates for partisan political office or would solicit other Federal employees as well as the general public for political contributions.

The legislative history of the Reform Amendments shows that Congress was familiar with the Hatch Act provisions on the political activity of Federal employees in designated localities and the OPM regulation interpreting these provisions, and intended to preserve the provisions on candidacy for local partisan political office and soliciting political contributions in enacting the Reform Amendments. S. Rep. No. 103–57, 103d Cong., 1st Sess. 2, 29, 37 (1993); 138 Cong. Rec. S8609 (daily ed. July 13, 1993) (Remarks of Senator Roth); 138 Cong. Rec. S8613 (daily ed. July 13, 1993 (Remarks of Senator Glenn); 138 Cong. Rec. S8765 (daily ed. July 15, 1993) (Remarks of Senator Glenn). In proposing to amend the House bill by removing all of its provisions and adopting the provisions of the Senate bill in toto, and in explaining the provisions of the Senate bill, Representative Clay, the leading advocate of Hatch Act Reform in the House of Representatives, noted that: ''The Senate amendment also retains provisions of current law permitting political activity by employees in certain communities pursuant to regulations issued by [OPM].'' 138 Cong. Rec. H6817 (daily ed. Sept. 21, 1993). The Hatch Act, like the Reform Amendments, did not specify that employees must run as independent candidates in these elections. However, regulations promulgated under the Hatch Act by the United States Civil Service Commission and later by OPM

required independent candidacies in these local elections. Thus, the legislative history of the Reform Amendments shows that the Senate bill (which became the Reform Amendments) did not change existing provisions requiring Federal employees to run as independent candidates for partisan political office in the local elections of the designated localities. Accordingly, OPM proposes to retain without change the current regulatory provisions that permit employees who reside in designated localities to run for local partisan political office but only as independent candidates.

Soliciting Political Contributions

The interim regulation prohibits Federal employees from soliciting political contributions in connection with local elections for partisan political office. The same Federal employee labor organization also noted that employees in designated localities should be permitted to engage in this activity because they were permitted to do so prior to the Reform Amendments. Citing *In the Matter of Andrew J. Panholzer,* 3 P.A.R. 88, 91 (1971), a Federal agency noted the legal precedent under the Hatch Act that Federal employees residing in partially exempted localities were free to participate in campaign activities on behalf of independent candidates, including soliciting political contributions from non-government employees.

In Panholzer, the Civil Service Commission held that employees residing in a designated locality could participate actively in political campaigns on behalf of independent candidates for local public office but could not solicit political contributions from other Federal employees. Because employees in designated localities previously were permitted to solicit political contributions in local elections on behalf of independent candidates for partisan political office, OPM proposes to revise the interim regulation to permit such solicitation as, or on behalf of, independent candidates. Federal employees would, however, be prohibited from knowingly soliciting political contributions from other Federal employees. OPM notes that, notwithstanding this prohibition, employees who are not employed in the sensitive agencies and positions described in the Reform Amendments at 5 U.S.C. 7323(b(2)(B) and OPM's regulation at section 733.105(a), and who are members of a Federal labor or Federal employee organization as defined in 5 CFR 734.101, still may solicit political contributions in accordance with the conditions specified for such solicitation in the Reform Amendments at 5 U.S.C. 7323(a)(2) and OPM's regulation at 5 CFR 734.208(b).

Other Political Activities

The interim regulation currently permits employees residing in designated localities to accept and receive political contributions on behalf of candidates for local partisan political office who represent political parties. Except for employees in the agencies and positions described in § 733.105(a), employees covered by Part 733 still would be permitted to accept and receive political contributions on behalf of such candidates for local office. OPM also proposes to add provisions about soliciting, accepting, and receiving uncompensated volunteer services to part 733 because such services play such an important part in election campaigns for local partisan political office.

Employees Who Reside in Designated Localities and Are Not Employed in the Agencies and Positions Described in § 733.105(a)

Sections 733.103 and 733.104 describe the political activities that are permitted to employees who reside in the designated localities and who are not employed in the agencies and positions described in § 733.105(a). Employees covered by §§ 733.103 and 733.104 would be permitted to run for election to partisan political office in local elections, but only as independent candidates. They would be permitted to solicit political contributions but only as, or on behalf of, independent candidates for election to local partisan political office. These employees, however, would be prohibited from knowingly soliciting political contributions from other Federal employees, except as permitted under 5 U.S.C. 7323(a)(2) (A)–(C).

Employees subject to §§ 733.103 and 733.104 would be permitted to accept or receive political contributions as, or on behalf of, independent candidates, as well as on behalf of candidates for local partisan political office who represent a political party. Although employees would be permitted to accept or receive political contributions from other Federal employees, they would be prohibited from accepting or receiving such contributions from a subordinate employee. Employees would be permitted to solicit, accept, or receive uncompensated volunteer services as, or on behalf of independent candidates, as well as on behalf of candidates for local partisan political office who represent a political party. Although employees would be permitted to solicit, accept, or receive uncompensated volunteer services from other Federal employees, they would be prohibited from soliciting, accepting, or receiving such services from a subordinate employee. Finally, employees would be prohibited from political participation while they are on duty, on Federal premises, in uniform, or while using a Government-owned or leased vehicle.

Employees Who Reside in Designated Localities and Are Employed in the Agencies and Positions Described in § 733.105(a)

Sections 733.105 and 733.106 describe the political activities that are permitted to employees who reside in the designated localities and who are employed in the agencies and positions described in § 733.105(a). Employees who are covered by §§ 733.105 and 733.106 would be permitted to run for election to partisan political office in local elections but only as independent candidates. These employees would be permitted to solicit political contributions but only as, or on behalf of, independent candidates for election to local partisan political office. However, they would be prohibited from knowingly soliciting political contributions from other Federal employees.

Employees covered under §§ 733.105 and 733.106 would be permitted to accept or receive political contributions only as, or on behalf of, independent candidates. They would be prohibited from accepting or receiving such contributions on behalf of a candidate for local partisan political office who represents a political party. Although employees would be permitted to accept or receive political contributions from other Federal employees, they would be prohibited from accepting or receiving such contributions from a subordinate employee. They also would be prohibited from political participation while they are on duty, on Federal premises, in uniform, or while using a Government-owned or leased vehicle.

Employees covered by §§ 733.105 and 733.106 would be permitted to solicit, accept, or receive uncompensated volunteer services only as, or on behalf of, independent candidates. They would be prohibited from soliciting, accepting, or receiving uncompensated volunteer services on behalf of a candidate for local partisan political office who represents a political party. Although employees would be permitted to solicit, accept, or receive uncompensated volunteer services from other Federal employees, they would be prohibited from soliciting, accepting, or

receiving such services from a subordinate employee.

Finally, employees who are subject to §§ 733.105 and 733.106 would be permitted to participate actively in other activities associated with elections for local partisan political office, such as stuffing envelopes, making telephone calls, driving voters to the polls, directing a group of uncompensated volunteers, or managing the campaign of an independent candidate for local partisan political office. However, their participation in such activities would be limited to participation as, or on behalf of, independent candidates for local partisan political office. Employees would be prohibited from such participation on behalf of a candidate for local partisan political office who represents a political party.

Designated Localities

Section 7323(a) (2) and (3) of title 5, United States Code, prohibits Federal employees from becoming candidates for partisan political office and from soliciting, accepting, or receiving political contributions. However, 5 U.S.C. 7325 authorizes OPM to prescribe regulations permitting Federal employees in certain communities to participate in local partisan elections, without regard to the prohibitions stated in 5 U.S.C. 7323(a) (2) and (3), if the requirements stated in section 7325 are fulfilled. The first requirement is that the community or political subdivision must be located in Maryland or Virginia and in the immediate vicinity of the District of Columbia. Alternatively, the majority of the community's registered voters must be employed by the United States Government. The second requirement is that OPM must determine that it is in the domestic interest of the employees to permit that political participation because of special or unusual circumstances existing in the municipality or political subdivision.

Section 733.105 of the proposed regulation reflects these statutory requirements. Under part 733, the exemption from the prohibitions stated in 5 U.S.C. 7323(a) (2) and (3) would be a partial exemption because employees would be required to run as independent candidates for local partisan political office, and they would be permitted to participate in other political activities connected with elections for local public office as specified in part 733. Section 733.105 also includes a list of designated localities whose residents have been granted a partial exemption by OPM.

Three Federal agencies, two local governments, and one individual submitted comments concerning the regulatory list of designated localities in the interim regulation for part 733. In addition, two individuals requested that OPM grant a partial exemption to the Federally employed residents of Spotsylvania County, Virginia, and one individual requested that OPM grant a partial exemption to the Federally employed residents of St. Mary's County, Maryland.

Spotsylvania County, Virginia and St. Mary's County, Maryland

OPM proposes to grant to the Federal employees residing in Spotsylvania County, Virginia, and in St. Mary's County, Maryland, a partial exemption from the political activity restrictions in 5 U.S.C. 7323(a) (2) and (3), and to add Spotsylvania County and St. Mary's County to OPM's regulatory list of designated localities in 5 CFR 733.104. OPM has determined that Spotsylvania County and St. Mary's County, respectively, meet the criteria described in 5 U.S.C. 7325 and 5 CFR 733.104 for a partial exemption to issue.

In response to separate applications from a Federal employee and a retired Federal employee who reside in Spotsylvania County, Virginia, as well as an application from a Federal employee who resides in St. Mary's County, Maryland, OPM proposes to designate those counties as localities in which Federal employees may run as independent candidates for local partisan political office and may participate in other political activities in connection with elections for local public office as specified in Part 733. However, an employee's candidacy for, and service in, a local partisan political office must not result in the neglect of, or interference with, the employee's performance of the duties of his or her Federal position or create a conflict or apparent conflict of interest.

This proposal reflects OPM's determination that special or unusual circumstances exist so that it is in the domestic interest of Federal employees residing in Spotsylvania County, Virginia, to participate in these political activities. OPM's determination is based upon documentary material provided by the applicants as well as interviews of both applicants and the County Administrator. Principal factors in OPM's determination include the proximity of Spotsylvania County to the District of Columbia; the statistically significant proportion of county residents who are Federal employees; the rapid growth of the county within the past few years; and significant public issues associated with this rapid growth. A public notice regarding this proposal to include Spotsylvania County in the OPM list of designated localities also will be published in a local newspaper serving that county.

This proposal also reflects OPM's further determination that special or unusual circumstances exist so that it is in the domestic interest of Federal employees residing in St. Mary's County, Maryland, to participate in these political activities. OPM's determination is based upon documentary material provided by the applicant as well as interviews of the applicant and the President of the Board of County Commissioners. Principal factors in OPM's determination include the proximity of St. Mary's County to the District of Columbia; the rapidly increasing population of the county; significant public issues associated with the increase in population; the impending transfer of naval functions to naval facilities in that county and associated increases in Federal employees residing in the county; and the statistically significant proportion of county residents who are Federal employees. A public notice regarding this proposal to include St. Mary's County in the OPM list of designated localities also will be published in a local newspaper serving that county.

If this proposal is adopted as a final rule, OPM will add Spotsylvania County to the list of designated Virginia municipalities and political subdivisions, and will add St. Mary's County to the list of designated Maryland municipalities and political subdivisions, in which Federal Government employees may run as independent candidates for local partisan political office and may solicit, accept, or receive political contributions as, or on behalf of, independent candidates in connection with local elections. The addition of Spotsylvania County will be listed among the designated Virginia municipalities and political subdivisions after Prince William County and before Stafford County. The addition of St. Mary's County to the designated Maryland municipalities and political subdivisions will be listed after Somerset and before Takoma Park.

The District of Columbia

The District of Columbia currently is included in the OPM regulatory list of designated localities. The District of Columbia was added to this list on July 5, 1977, by the United States Civil Service Commission. In separate comments, two Federal agencies questioned whether the District of Columbia should continue to be listed as a partially exempt municipality in view of the unpublished memorandum

opinion of the United States District Court for the District of Columbia in *Ward Three Democratic Committee* versus *United States,* No. 78–853 (D.D.C. Aug. 29, 1980). OPM recognizes that, when the statutory exemption requirements were enacted in 1940, Congress did not foresee a need for an exemption for the District of Columbia because the District held no local elections at the time and was, instead, governed by three Commissioners appointed by the President of the United States.

One commentator provided a history of the district court decision, noting that, on May 30, 1974, the Civil Service Commission added the District of Columbia to the list of exempted localities at 5 CFR 733.124, retroactively effective May 16, 1974. 39 FR 18761 (1974). In *Joseph* versus *United States Civil Service Commission,* 554 F. 2d 1140 (1977), the United States Court of Appeals for the District of Columbia declared the exemption for the District of Columbia invalid because it was not published after a notice and comment period, as required by the Administrative Procedure Act. The appeals court held that, under the Hatch Act, the District of Columbia could not qualify under the first alternative for an exemption to issue. Id. at 1154–1155. The appeals court stated in this regard that:

> Although there can be no dispute that it is ''in the immediate vicinity of the District of Columbia,'' it is equally certain that it is not in the states of Maryland or Virginia. The legislative history of this first alternative clearly indicates that it was proposed to restrict the Civil Service Commission's exemption authority to areas adjacent to the District. (Citation omitted.) Admittedly the failure to include areas within the District may well have been due to the fact that there were no elective positions within the District government in 1940 when the Commission was given its exemption authority. (Footnote omitted.) The literal language of the first alternative in subsection 7327(b)(1), however, clearly does not include the District, and although a court should interpret the meaning of statutory language in light of the intent of its drafters, we cannot rewrite the statute to compensate for unforeseen circumstances.

Id. The appeals court also stated that, if the Civil Service Commission republished the exemption, it should furnish statistical evidence that a majority of District of Columbia voters were employed by the United States Government or the District of Columbia Government. *Id.* at 1152–1157. In order to comply with the decision in *Joseph,* the Civil Service Commission subsequently proposed to add the District of Columbia to the list of exempted localities on May 6, 1977, 42 FR 23160 (1977), and the District was then added to the list of exempted localities, effective July 5, 1977. 42 FR 34308.

In a second suit challenging the validity of section 733.124, the appeals court remanded the case to the district court to gather statistical evidence to determine whether the majority of registered voters in the District of Columbia were employed by the United States or the District of Columbia governments. *Ward Three Democratic Committee* versus *United States,* 609 F. 2d 10 (D.C. Cir. 1979). On remand, the district court found that, based upon the statistical evidence submitted by the parties, less than 50 percent of registered voters in the District of Columbia were employed by the United States Government or the District of Columbia Government. Thus, the district court held that § 733.124(b), the regulation which provided for partial exemptions at that time, was ''not applicable to the District of Columbia and shall not be applied thereto.'' *Ward Three Democratic Committee* versus *United States,* No. 78–853 (D.D.C. Aug. 29, 1980). OPM notes that this judicial decision was based upon requirements stated in the Hatch Act for an exemption to issue, but the same requirements also appear in the Reform Amendments. OPM is requesting further comments from the public, in particular from the Federal, Postal Service, and District of Columbia government employees who are registered voters in the District of Columbia. In the interim, OPM will also pursue a legislative solution to put the District of Columbia on the same footing as the surrounding Virginia and Maryland localities.

Other Designated Localities

The interim regulation includes ''Martin's Additions 1, 2, 3, and 4 to Chevy Chase'' in its list of designated Maryland municipalities and subdivisions. OPM proposes to remove ''Martin's Additions 1, 2, 3, and 4 to Chevy Chase'' from, and add ''Village of Martin's Additions'' to, the list of designated localities appearing in § 733.104 of the proposed regulation. OPM based this action on a comment received from a former local official of Martin's Additions, who advises that ''Martin's Additions 1, 2, 3, and 4 to Chevy Chase'' became an incorporated municipality in 1985. He also advises that the name of the subdivision was changed officially to the ''Village of Martin's Additions'' on its incorporation.

The interim regulation also includes ''Chevy Chase, sections 1 and 2'', in its list of designated localities. OPM has removed ''Chevy Chase, sections 1 and 2,'' from the list of designated localities in § 733.104 of the proposed regulation and has added the ''Town of Chevy Chase Village'' to that list. OPM has taken this action on the basis of a comment received from an official of the Town of Chevy Chase Village, who advised that sections 1 and 2 of Chevy Chase are included within the Town of Chevy Chase Village.

The interim regulation further includes the ''Town of Fairfax'' in its list of designated Virginia municipalities and subdivisions. OPM has removed the ''Town of Fairfax'' from the list of designated localities in § 733.104 of the proposed regulation and has added the ''City of Fairfax'' to that list. OPM has taken this action on the basis of information received from the Office of the City Attorney for the City of Fairfax regarding a Transition Order issued on June 30, 1961, *In the Matter of the Town of Fairfax, Virginia, Applying to Become a City of The Second Class,* Circuit Court of the County of Fairfax, Law No. 10031, and amendment of the Town Charter by the Virginia General Assembly, Acts of Assembly 1962, Ch. 468.

In connection with the regulatory list of designated localities, an individual commented generally that some localities on the list may no longer fulfill the statutory requirements for designation as an exempt locality and should therefore be removed from the list. Except in the possible case of the District of Columbia, OPM does not have any evidence to suggest that these localities may no longer qualify for a partial exemption.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the changes will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 733

Political activities (Government employees).

Office of Personnel Management.

James B. King,

Director.

Accordingly, the Office of Personnel Management proposes to revise 5 CFR part 733 as follows:

PART 733—POLITICAL ACTIVITY—FEDERAL EMPLOYEES RESIDING IN DESIGNATED LOCALITIES

Sec.

733.101 Definitions.
733.102 Exclusion of employees in the Criminal Division of the United States Department of Justice.
733.103 Permitted political activities—employees who reside in designated localities.
733.104 Prohibited political activities—employees who reside in designated localities.
733.105 Permitted political activities—employees who reside in designated localities and are employed in certain agencies and positions.
733.106 Prohibited political activities—employees who reside in designated localities and are employed in certain agencies and positions.
733.107 Designated localities.

Authority: 5 U.S.C. 7325; sec. 8 of Pub. L. 104–93, 109 Stat. 961, 966 (Jan. 6, 1996).

§ 733.101 Definitions.

In this part:

Accept means to come into possession of something from a person officially on behalf of a candidate, a campaign, a political party, or a partisan political group, but does not include ministerial activities which precede or follow this official act.

Candidate means an individual who seeks nomination or election to any elective office whether or not the person is elected. An individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual's nomination or election.

Campaign means all acts done by a candidate and his or her adherents to obtain a majority or plurality of the votes to be cast toward a nomination or in an election.

Election includes a primary, special, runoff, or general election.

Employee means:

Any individual (other than the President, the Vice President, or a member of the uniformed services) employed or holding office in—

(1) An Executive agency other than the General Accounting Office;

(2) A position within the competitive service which is not in an Executive agency;

(3) The government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds; or

(4) The United States Postal Service or the Postal Rate Commission.

On Duty means the time period when an employee is:

(1) In a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay); or

(2) Representing any agency or instrumentality of the United States Government or any agency or instrumentality of the District of Columbia Government in an official capacity.

Partisan when used as an adjective means related to a political party.

Partisan political group means any committee, club, or other organization which is affiliated with a political party or candidate for public office in a partisan election, or organized for a partisan purpose, or which engages in partisan political activity.

Partisan political office means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but does not include any office or position within a political party or affiliated organization.

Person means an individual; a State, local, or foreign government; or a corporation and the subsidiaries it controls, company, association, firm, partnership, society, joint stock company, or any other organization or institution, including any officer, employee, or agent of such person or entity.

Political activity means an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

Political contribution means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose.

(1) A political contribution includes:

(i) Any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

(ii) Any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

(iii) The provision of personal services, paid or unpaid, for any political purpose.

(2) A political contribution does not include the value of services provided without compensation by any individual who volunteers on behalf of any candidate, campaign, political party, or partisan political group.

Political management means the direction or supervision of a partisan political group or campaign for partisan political office.

Political party means a national political party, a State political party, or an affiliated organization.

Political purpose means an objective of promoting or opposing a political party, candidate for partisan political office, or partisan political group.

Receive means to come into possession of something from a person officially on behalf of a candidate, a campaign, a political party, or a partisan political group, but does not include ministerial activities which precede or follow this official act.

Room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency thereof includes, but is not limited to:

(1) Any Federally owned space (including, but not limited to, ''public buildings'' as defined in 40 U.S.C. 612(1)) or Federally leased space in which Federal employees perform official duties on a regular basis;

(2) Public areas as defined in 40 U.S.C. 490(a)(17) and 41 CFR 101–20.003 of buildings under the custody and control of the General Services Administration.

(3) A room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency thereof does not include rooms in the White House, or in the residence of the Vice President, which are part of the Residence area or which are not regularly used solely in the discharge of official duties.

Solicit means to request expressly of another person that he or she contribute something to a candidate, a campaign, a political party, or partisan political group.

Subordinate refers to the relationship between two employees when one employee is under the supervisory authority, control or administrative direction of the other employee.

Uniformed services means uniformed services as defined in 5 U.S.C. 2101(3).

§ 733.102 Exclusion of employees in the Criminal Division of the United States Department of Justice.

Employees in the Criminal Division in the Department of Justice (except employees appointed by the President, by and with the advice and consent of the Senate) specifically are excluded

from coverage under the provisions of this part.

§ 733.103 Permitted political activities—employees who reside in designated localities.

(a) This section does not apply to employees in the agencies and positions described in § 733.105(a).

(b) Employees who reside in a municipality or political subdivision designated by OPM under § 733.107 may:

(1) Run as independent candidates for election to partisan political office in elections for local office in the municipality or political subdivision;

(2) Solicit, accept, or receive a political contribution as, or on behalf of, an independent candidate for partisan political office in elections for local office in the municipality or political subdivision;

(3) Accept or receive a political contribution on behalf of an individual who is a candidate for local partisan political office and who represents a political party;

(4) Solicit, accept, or receive uncompensated volunteer services as an independent candidate, or on behalf of an independent candidate, for local partisan public office, in connection with the local elections of the municipality or subdivision; and

(5) Solicit, accept, or receive uncompensated volunteer services on behalf of an individual who is a candidate for local partisan political office and who represents a political party.

§ 733.104 Prohibited political activities—employees who reside in designated localities.

(a) This section does not apply to employees in the agencies and positions described in § 733.105(a).

(b) Employees who reside in a municipality or political subdivision designated by OPM under § 733.107 may not:

(1) Run as the representative of a political party for local partisan political office;

(2) Solicit a political contribution on behalf of an individual who is a candidate for local partisan political office and who represents a political party;

(3) Knowingly solicit a political contribution from any Federal employee, except as permitted under 5 U.S.C. 7323(a)(2) (A)–(C).

(4) Accept or receive a political contribution from a subordinate; or

(5) Solicit, accept, or receive uncompensated volunteer services from a subordinate for any political purpose.

(c) An employee covered under this section may not participate in political activities:

(1) While he or she is on duty:

(2) While he or she is wearing a uniform, badge, or insignia that identifies the employing agency or instrumentality or the position of the employee;

(3) While he or she is in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof; or

(4) While using a Government-owned or leased vehicle or while using a privately owned vehicle in the discharge of official duties.

(d) An employee described in 5 U.S.C. 7324(b)(2) may participate in political activity otherwise prohibited by § 733.104(c) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

(e) Candidacy for, and service in, a partisan political office shall not result in neglect of, or interference with, the performance of the duties of the employee or create a conflict, or apparent conflict, of interest.

§ 733.105 Permitted political activities—employees who reside in designated localities and are employed in certain agencies and positions.

(a) This section applies to employees who reside in designated localities and are employed in the following agencies or positions:

(1) Federal Election Commission;

(2) Federal Bureau of Investigation;

(3) Secret Service;

(4) Central Intelligence Agency;

(5) National Security Council;

(6) National Security Agency;

(7) Defense Intelligence Agency;

(8) Merit Systems Protection Board;

(9) United States Office of Special Counsel;

(10) Office of Criminal Investigation of the Internal Revenue Service;

(11) Office of Investigative Programs of the United States Customs Service;

(12) Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms;

(13) Central Imagery Office;

(14) Career appointees in the Senior Executive Service;

(15) Administrative Law Judges; and

(16) Contract appeals board members described in 5 U.S.C. 5372a.

(b) Employees who are covered under this section and who reside in a municipality or political subdivision designated by OPM under § 733.107 may:

(1) Run as independent candidates for election to partisan political office in elections for local office in the municipality or political subdivision;

(2) Solicit, accept, or receive a political contribution as, or on behalf of, an independent candidate for partisan political office in elections for local office in the municipality or political subdivision;

(3) Solicit, accept, or receive uncompensated volunteer services as, or on behalf of, an independent candidate for partisan political office in elections for local office in the municipality or subdivision; and

(4) Take an active part in other political activities associated with elections for local partisan political office and in managing the campaigns of candidates for election to local partisan political office in the municipality or political subdivision, but only as an independent candidate or on behalf of, or in opposition to, an independent candidate.

§ 733.106 Prohibited political activities—employees who reside in designated localities and are employed in certain agencies and positions.

(a) Employees who are employed in the agencies and positions described in § 733.105(a), and who reside in a municipality or political subdivision designated by OPM under § 733.107, may not:

(1) Run as the representative of a political party for local partisan political office;

(2) Solicit, accept, or receive a political contribution on behalf of an individual who is a candidate for local partisan political office and who represents a political party;

(3) Knowingly solicit a political contribution from any Federal employee;

(4) Accept or receive a political contribution from a subordinate;

(5) Solicit, accept, or receive uncompensated volunteer services on behalf of an individual who is a candidate for local partisan political office and who represents a political party;

(6) Solicit, accept, or receive uncompensated volunteer services from a subordinate for any political purpose; or

(7) Take an active part in other political activities associated with elections for local partisan political office, when such participation occurs on behalf of a political party, partisan political group, or a candidate for local partisan political office who represents a political party.

(b) An employee covered under this section may not participate in political activities:

(1) While he or she is on duty:

(2) While he or she is wearing a uniform, badge, or insignia that identifies the employing agency or instrumentality or the position of the employee;

(3) While he or she is in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof; or

(4) While using a Government-owned or leased vehicle or while using a privately owned vehicle in the discharge of official duties.

(c) An employee described in 5 U.S.C. 7324(b)(2) may participate in political activity otherwise prohibited by § 733.104(b) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

(d) Candidacy for, and service in, a partisan political office shall not result in neglect of, or interference with, the performance of the duties of the employee or create a conflict, or apparent conflict, of interest.

§ 733.107 Designated localities.

(a) OPM may designate a municipality or political subdivision in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or a municipality in which the majority of voters are employed by the Government of the United States, when OPM determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections.

(b) Information as to the documentation required to support a request for designation is furnished by the General Counsel of OPM on request.

(c) The following municipalities and political subdivisions have been designated, effective on the day specified:

In Maryland

Annapolis (May 16, 1941).
Anne Arundel County (March 14, 1973).
Berwyn Heights (June 15, 1944).
Bethesda (Feb. 17, 1943).
Bladensburg (April 20, 1942).
Bowie (April 11, 1952).
Brentwood (Sept. 26, 1940).
Calvert County (June 18, 1992).
Capitol Heights (Nov. 12, 1940).
Cheverly (Dec. 18, 1940).
Chevy Chase, section 3 (Oct. 8, 1940).
Chevy Chase, section 4 (Oct. 2, 1940).
Chevy Chase View (Feb. 26, 1941).
Chevy Chase Village, Town of (March 4, 1941).
College Park (June 13, 1945).
Cottage City (Jan. 15, 1941).
District Heights (Nov. 2, 1940).
Edmonston (Oct. 24, 1940).
Fairmont Heights (Oct. 24, 1940).
Forest Heights (April 22, 1949).
Frederick County (May 31, 1991).
Garrett Park (Oct. 2, 1940).
Glenarden (May 21, 1941).
Glen Echo (Oct. 22, 1940).
Greenbelt (Oct. 4, 1940).
Howard County (April 25, 1974).
Hyattsville (Sept. 20, 1940).
Kensington (Nov. 8, 1940).
Landover Hills (May 5, 1945).
Martin's Additions, Village of (Feb. 13, 1941).
Montgomery County (April 30, 1964).
Morningside (May 19, 1949).
Mount Rainier (Nov. 22, 1940).
New Carrollton (July 7, 1981).
North Beach (Sept. 20, 1940).
North Brentwood (May 6, 1941).
North Chevy Chase (July 22, 1942).
Northwest Park (Feb. 17, 1943).
Prince Georges County (June 19, 1962).
Riverdale (Sept. 26, 1940).
Rockville (April 15, 1948).
Seat Pleasant (Aug. 31, 1942).
Somerset (Nov. 22, 1940).
St. Mary's County (date to be determined at a later date).
Takoma Park (Oct. 22, 1940).
University Park (Jan. 18, 1941).
Washington Grove (April 5, 1941).

In Virignia

Alexandria (April 15, 1941).
Arlington County (Sept. 9, 1940).
Clifton (July 14, 1941).
Fairfax, City of (Feb. 9, 1954).
Fairfax County (Nov. 10, 1949).
Falls Church (June 6, 1941).
Herndon (April 7, 1945).
Loudoun County (Oct. 1, 1971).
Manassas (Jan. 8, 1980).
Manassas Park (March 4, 1980).
Portsmouth (Feb. 27, 1958).
Prince William County (Feb. 14, 1967).
Spotsylvania County (date to be determined at a later date).
Stafford County (Nov. 2, 1979).
Vienna (March 18, 1946).

Other Municipalities

Anchorage, Alaska (Dec. 29, 1947).
Benicia, Calif. (Feb. 20, 1948).
Bremerton, Wash. (Feb. 27, 1946).
Centerville, Ga. (Sept. 16, 1971).
Crane, Ind. (Aug. 3, 1967).
District of Columbia (July 5, 1977).
Elmer City, Wash. (Oct. 28, 1947).
Huachuca City, Ariz. (April 9, 1959).
New Johnsonville, Tenn. (April 26, 1956).
Norris, Tenn. (May 6, 1959).
Port Orchard, Wash. (Feb. 27, 1946).
Sierra Vista, Ariz. (Oct. 5, 1955).
Warner Robins, Ga. (March 19, 1948).

[FR Doc. 97–16424 Filed 6–23–97; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–220–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 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 Saab Model SAAB 2000 series airplanes. This proposal would require a one-time inspection of the hydraulic tubes and electrical harness wires of the wing rear access door for chafing, leakage, or wear damage; repair of any discrepancy found; and modification of the wing rear access door. This proposal is prompted by reports of interference between the wing rear access door and the hydraulic tubes and electrical harnesses, and chafing damage to the hydraulic tubes. The actions specified by the proposed AD are intended to prevent such interference or chafing damage, which could lead to failure of the number 2 hydraulic system or loss of certain electrical and landing systems, and resultant reduced controllability of the airplane.

DATES: Comments must be received by August 4, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–220–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 SAAB Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1721; fax (425) 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 Number 96–NM–220–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–220–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises of several reports of interference between the wing rear access door and the hydraulic tubes and electrical harnesses, and one report of chafing damage to the hydraulic tubes on one airplane. The following conditions, if not corrected, could result in reduced controllability of the airplane:

1. Damage to the hydraulic tubes, which could cause hydraulic fluid leakage and the consequent failure of the number 2 hydraulic system that supplies hydraulic pressure to certain airplane flight control and landing systems.

2. Damage to the electrical harnesses, which could lead to the failure of certain electrical systems, including those used for aileron trim control and engine starting capability.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000–53–010, Revision 01, dated October 10, 1995, which describes procedures for a one-time visual inspection of the hydraulic tubes and electrical harness wires of the wing rear access door for chafing, leakage, or wear damage; and repair of any discrepancy found. The service bulletin also describes procedures for modification of the wing rear access door, which includes the application of silicon tape to the electrical harnesses. Accomplishment of the modification will prevent interference between the wing rear access door and the hydraulic tubes and electrical harnesses.

The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive (SAD) 1–077R2, dated June 9, 1997, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

This airplane model is manufactured in Sweden 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 LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, 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 visual inspection of the hydraulic tubes and electrical harness wires of the wing rear access door for chafing, leakage, or wear damage; repair of any discrepancy found; and modification of the wing rear access door.

Repair of the hydraulic tubes would be required to be accomplished in accordance with a method approved by the FAA. Other actions would be required to be accomplished in accordance with the Saab service bulletin described previously.

Cost Impact

The FAA estimates that 3 Saab Model SAAB 2000 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $720, or $240 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:

SAAB Aircraft AB: Docket 96–NM–220–AD.

Applicability: Model SAAB 2000 series airplanes, serial numbers –004 through –030 inclusive, 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 (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, unless accomplished previously.

To prevent damage to the hydraulic tubes and electrical harnesses, which could lead to failure of the number 2 hydraulic system or loss of certain electrical and landing systems, and resultant reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a one-time visual inspection of the hydraulic tubes and electrical harness wires of the wing rear access door for chafing, leakage, or wear damage; in accordance with paragraph B. of the Accomplishment Instructions of Saab Service Bulletin 2000–53–010, Revision 01, dated October 10, 1995.

(1) If any chafing or leakage of the hydraulic tubes is detected, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) If any damage to the metal braid or wire insulation is detected, prior to further flight, repair in accordance with paragraph E. of the Accomplishment Instructions of Saab Service Bulletin 2000–53–010, Revision 01, dated October 10, 1995.

(b) Within 60 days after the effective date of this AD, modify the wing rear access door and apply silicon tape to the electrical harnesses, in accordance with paragraph C. of the Accomplishment Instructions of Saab Service Bulletin 2000–53–010, Revision 01, dated October 10, 1995.

(c) As of the effective date of this AD, no person shall install wing rear access doors, part numbers 7353500–713/ -714 or 7353500–715/ -716, on any airplane, unless the part has been modified in accordance with Saab Service Bulletin 2000–53–010, Revision 01, dated October 10, 1995.

(d) 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.

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.

(e) 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 June 17, 1997.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–16407 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–25]

Proposed Amendment of Class E Airspace; Kutztown, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend Class E5 Airspace at Kutztown, PA. The development of a new Standard Instrument Approach Procedure (SIAP) at Kutztown Airport based on the Global Positioning System (GPS) has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above ground level (AGL) is needed to accommodate this SIAP and for Instrument Flight Rules (IFR) operations to the airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before July 20, 1997.

ADDRESSES: Send comments on the proposed rule in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 97–AEA–25, 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 participated 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–25''. 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 on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the

notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Kutztown, PA. A GPS Runway (RWY) 17 SIAP has been developed for Kutztown Airport. Additional controlled airspace extending upward from 700 fee above ground level (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace extending upward from 700 feet above the surface are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Kutztown, PA [Revised]

Kutztown Airport, PA
(Lat. 40°30′13″ N, long. 75°47′14″ W.)
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Kutztown Airport and within 3.5 miles northeast and 5.3 miles southwest of the 340° bearing from the airport extending from the 6.5-mile radius to 17 miles northwest of the airport, excluding the portions that coincides with the Allentown, PA, and Reading, PA and Lehighton, PA Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on June 10, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–16465 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

RIN 1512–AA07

[Notice No. 853]

Diablo Grande Viticultural Area (97–104)

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing the establishment of a viticultural area located in the western foothills of Stanislaus County, California to be known as ''Diablo Grande.'' The proposed area occupies over 45 square miles, or approximately 30,000 acres. The petition was submitted by Dr. Vincent E. Petrucci, Sc.D., on behalf of the Diablo Grande Limited Partnership, the principal property owner within the proposed viticultural area and developers of the Diablo Grande Resort Community.

DATES: Written comments must be received by August 25, 1997.

ADDRESSES: Send written comments to : Chief, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221 (Attn: Notice No. 853). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at ATF Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: David Brokaw, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226, (202) 927–8230.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area,

based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing the establishment of a viticultural area located in the western foothills of Stanislaus County, California to be known as ''Diablo Grande.'' The petition was submitted by Dr. Vincent E. Petrucci, Sc.D., on behalf of the Diablo Grande Limited Partnership, the principal property owner within the proposed viticultural area and developers of the Diablo Grande Resort Community. The proposed area occupies over 45 square miles, or approximately 30,000 acres. According to the petitioner, currently there are 35 acres of grapes planted with an additional 17 acres planned for 1997. The petitioner claims that the proposed area can accommodate an additional 2700 acres of future grape plantings.

Evidence That the Name of the Area is Locally or Nationally Known

According to the petitioner, the name, ''Diablo Grande,'' has been given to this proposed viticultural area because of its proximity to Mount Diablo, the highest mountain peak of the Pacific Coast mountain range. The petitioner claims that the name, ''Diablo Grande,'' has become well-known to the residents of California, and perhaps the nation, because of a multitude of newspaper articles regarding development of the destination resort and residential community in the proposed viticultural area. The resort community has been in existence since the early 1990s. To support the name, the petitioner provided copies of 21 newspaper articles. With the exception of the Golf Course Report, Alexandria, Virginia, all of the articles are from local California newspapers. These articles discuss the development of the resort and the difficulties encountered by the developers in obtaining approval for, and completion of, construction.

There is, however, some evidence that the area occupied by the resort was historically known as the ''Oak Flats Valley.'' Many of the articles submitted by the petitioner refer to the area as the ''Oak Flats Valley Ranch'' or the ''Oak Flats Valley.'' No evidence was provided that the area was tied to Mount Diablo prior to the development of the resort. It should be noted that Mount Diablo is several counties north of Stanislaus County, the location of the proposed area. Therefore, despite the fact the petitioner submitted some evidence justifying the use of the name ''Diablo Grande'' for the proposed area, ATF is soliciting comments on the propriety of using this name.

Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

As evidence that the boundaries of the proposed viticultural area are as specified in the petition, the petitioner submitted a map titled, ''Stanislaus County Vicinity Map'' drawn by Thompson-Hysell Engineers. The petitioner also submitted a newspaper article from The Modesto Bee dated June 28, 1993, showing the boundary area (map) in respect to Interstate Highway 5, the city of Patterson, the City of Newman, and the Santa Clara County line. The border for ''Diablo Grande'' illustrated on the ''Stanislaus County Vicinity Map'' and the maps in the newspaper article are non specific, giving the general location within Stanislaus County, California. The Modesto Bee article describes the site as being located about five miles west of Interstate 5 and seven miles southwest of Patterson consisting of gently sloping hills to steep ridges in the Diablo Range, an eastern arm of the Coast Ranges. The article further describes the site as encompassing portions of three major watersheds—Orestimba, Crow, and Salado Creeks.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas

Climate

According to the petitioner, in December, 1990, an automata weather station was installed at the ''Diablo Grande'' test vineyard site by Dr. Charles F. Krauter, professor of soils and water in the Department of Plant Science, California State University, Fresno, California. The recorded data from the weather station includes temperature (maximum, minimum, average, and degree days), rainfall, humidity, solar radiation, wind (speed and direction), and evapotranspiration rate.

The petitioner states that while the above parameters of climate are very important, wine grape regions have been classified according to heat summation units called degree days. The petitioner provided a table of heat summation in degree days illustrating the contrast in temperature between the proposed viticultural area and areas immediately outside the proposed area. The data was taken from four separate weather stations located in Newman (10 miles east), Westley (10 miles north), Tracy (25 miles north) and Modesto (30 miles northeast). The petitioner chose these areas because they were the closest areas with climate records. According to the table, ''Diablo Grande'' is 384 degree days warmer than Modesto, 191 degree days cooler than Newman, 243 degree days cooler than Tracy, and 1022 degree days cooler than Westley. Based on this data the petitioner claims that the grapes from the proposed viticultural area would mature slightly earlier than those grown in Modesto and would mature slightly later than grapes grown in Newman, Westley, or Tracy.

The petitioner has submitted a four year record of rainfall spanning from 1992 to 1995 for the proposed viticultural area. The petitioner provided a table illustrating the contrast in monthly and annual rainfall in inches between the proposed area and areas immediately outside of the proposed area. The rainfall data shows that the proposed area has an annual rainfall 13.8% to 22.6% higher than the other four areas (Newman, Westley, Modesto, and Tracy). The petitioner claims that the higher rainfall in the proposed viticultural area is due to its higher elevation (800 to 2600 feet) as compared to the other four areas which range in elevation from 40 to 300 feet. According to the petitioner, rainfall generally occurs during the winter in all five areas, with little or no rainfall during the summer months.

According to the petitioner, due to its elevation and the protective mountains, the proposed area lies above the fog belt in contrast with areas immediately outside of the proposed area. In the Newman, Patterson, and Westley areas, fog is a common occurrence throughout the rainy season in all but the foothill regions. The petitioner claims that the absence of fog in the proposed area is a unique feature which promotes a much higher quantity of solar radiation resulting in the rate of photosynthesis being maximized providing for better vine growth and a greater leaf canopy surface.

According to the petitioner, the predominant wind directions are from northeast to northwest in the proposed viticultural area due to the orientation of the many mini-valleys encompassing the area and the wind deflection caused by the hills surrounding these mini-valleys. The petitioner claims that this is a unique feature of the proposed viticultural area's micro-climate as

contrasted with the Newman/Westley areas where the reverse is true with the predominant winds coming from the northwest, typical of the flat lands outside of the proposed viticultural area's perimeter.

Soils

According to the petitioner, the soil characteristics of the proposed viticultural area are not only different and distinct from those of the lower foothills and Central Valley to the east and north, but they are also different from other areas of the Diablo Range to the south and west of the proposed viticultural area.

The petitioner provided a general description of the soils in the form of a report entitled, ''Diablo Grande Specific Plan Draft Environmental Impact Report'' prepared by LSA Associates, Inc., Pt. Richmond, California for the Stanislaus County Department of Planning and Community Development. The petitioner also submitted a report from the Soil Conservation Service which recently mapped soils within the proposed viticultural area and identified 16 major soil types.

Finally, the petitioner states that extensive soil sampling and detailed analysis (both physical and chemical) have been conducted at two different locations within the proposed viticultural area. According to the petitioner, in December of 1989, thirteen samples were taken at various sites in the vicinity of the Oak Flat Ranch. In May of 1996, fourteen samples from Isom Ranch were collected and analyzed. A copy of these analysis was included with the petition.

The petitioner claims that these reports show that a majority of the soils found in the proposed viticultural area are composed of the following series listed in approximate order of occurrence: Arburua loam, Wisflat sandy loam, Contra Costa clay loam, and San Timoteo sandy loam, with lesser amounts of Zacharias clay loam and gravelly clay loam. According to the petitioner, most of the soils are complexes made up of two or more of these series as well as occasional rock outcrops of exposed sandstone and shale. The petitioner claims that in these complexes, the soil series are so intimately intermixed that it is not practical to separate them geographically.

The petitioner asserts that the reports show that the soils within the proposed viticultural area typically have slopes ranging from 30% to 75% and elevations from 400 to 2700 feet. An exception is the relatively minor Zacharias series which has slopes of 2% to 5% and elevations of 200 to 400 feet. The soils in the proposed viticultural area are derived from sandstone and vary from shallow to very deep with most of the complexes showing moderate depth. The soils are well-drained to somewhat excessively-drained. Permeability varies from slow to moderately rapid, surface run-off rates are rapid and, according to the petitioner, the potential for water erosion can be severe. The petitioner provided a table giving a complete description of the characteristics for each soil type.

In contrast to the soils of the proposed viticultural area, the petitioner claims that the soils of the surrounding areas are largely composed of different soil series with different characteristics, including elevations and slopes. The petitioner provided an exhibit defining the various soil series and soil types, and an exhibit with aerial photographic maps showing soil type location by map numbers.

While most of the soil series which are found within the proposed viticultural area can also be found in the nearby surrounding areas, the petitioner claims that these series represent very small portions of the total in those surrounding areas. Additionally, the petitioner states that many of the soil series which make up the major soil types of the surrounding areas are not found at all within the proposed area. The petitioner states that these soil types include Capay clay, Vernalis clay loam, Stomar clay loam, Chaqua clay loam, Calla clay loam, Carbona clay, Alo clay, Vaquero clay, El Salado loam and fine sandy loam. According to the petitioner, these series are found to the east and north of the proposed viticultural area. The petitioner states that most of these series have slopes of 0% to 2% and elevations of 25 to 400 feet with four of these series having slopes up to 8%, 15%, 30%, and 50% respectively and elevations from 300 to 1600 feet.

The petitioner states that there is another major difference between the proposed viticultural area soils and most of those to the east and north. The ''Diablo Grande'' soils are residual soils formed from sedimentary deposits of sandstone and calcareous sandstone while most of the surrounding soils are from alluvial deposits of mixed rock parent material having lower slopes and elevations.

According to the petitioner, the area surrounding the proposed viticultural area to the west and south includes the Orestimba Creek Canyon beyond which lies a more rugged portion of the Diablo Range. Much of the land directly west of the proposed area is part of the Henry W. Coe State Park and although this area includes some of the same soil series as the proposed area, there are also many new series including Gonzaga clay, Honker clay, Franciscan clay loam, Vellecitos clay, Gaviota gravelly loam, Henneke clay, Hentine loam, and Hytop clay. The petitioner states that these soils generally have slopes of 30% to 75% and elevations of 700 to 3300 feet.

According to the petitioner, the results of these soil analyses and the characteristics of the soil types found in the proposed viticultural area, in combination with the climate and topography and the use of drip irrigation, not only make the proposed viticultural area suitable for the production of wine grapes but also make it a unique and singular viticultural area which is completely distinctive from the surrounding area.

Topography

According to the petitioner, the geography of the proposed viticultural area sets it apart from the surrounding areas in several respects. Three main water courses traverse the area: Salado Creek, Crow Creek, and Orestimba Creek. Salado and Crow Creek traverse the area from the vicinity of Mikes Peak along the western boundary of the proposed area, northeast and east respectively, toward Interstate 5. Orestimba Creek traverses the southwestern and southern boundary line as it flows eastward.

The petitioner claims that current vineyard plantings are at elevations ranging from 1000 feet msl near the vineyard located in the vicinity of the Oak Flat Ranch to 1800 feet msl at the Isom Ranch. The petitioner states that these vineyard site elevations are the highest elevations where grapes are grown in Stanislaus County. The petitioner contrasts this with other Stanislaus County vineyards outside the proposed area where grapes are grown at elevations ranging from 70 to 90 feet at Modesto to 300 to 340 feet at the base of the foothills near Patterson where a newly planted vineyard (1996) of 90 acres exists approximately 4.2 miles east of the proposed viticultural area boundary. The petitioner distinguishes this vineyard site from the proposed viticultural area by noting that the Patterson site is 340 feet lower and has a soil type which is all Vernalis-Zacharias complex with 0% to 2% slopes. The petitioner claims that these conditions do not exist in the proposed viticultural area.

The petitioner also notes that the topographic features of the proposed viticultural area include many ''mini-

valleys'' as a result of its mountainous structure. The petitioner states that this provides several attributes not found in the vineyards planted on the flat lands in the interior of Stanislaus County. Grapes grown on the terraced hillsides of the proposed area are subject to a mesoclimate (or topoclimate or site climate) which can vary from the general macroclimate due to differences mainly in elevation and slope. Thus, according to the petitioner, site selection becomes an important feature when working with this type of topography as contrasted to the flat lands of 1% to 2% slopes. According to the petitioner, there is the opportunity to grow grapes on slopes (15%–30%) that have western, eastern, southern, or northern exposure or any combination of all four slope exposures.

According to the petitioner, while degree days associated with a macroclimate may be similar to that of a mesoclimate, it is the makeup of the mesoclimate of the proposed viticultural area that makes its climate different from that of the surrounding areas. The petitioner provided a diagram purporting to show how mesoclimates are influenced by sloping contour topography. According to the petitioner, the southern and western slopes receive a greater exposure to sunshine and, therefore, accumulate more heat units than the northern or eastern slopes. The petitioner claims that it is this difference in sunshine and heat that makes the proposed viticultural area's mesoclimate. According to the petitioner, grapes grown on all four slope exposures, when harvested together and crushed as one lot, make wines that differ considerably from grapes grown on the lower elevation flat lands. The petitioner claims that this is the key factor which makes the proposed viticultural area wines distinct from those of the surrounding area. In support of this claim the petitioner provided several letters from staff members at the Viticulture and Enology Research Center, California State University, Fresno and winemakers. These letters indicate that wines made from grapes grown in the proposed viticultural area exhibit characteristics distinctive enough to deserve consideration for a specific appellation.

Boundaries

The boundary of the proposed viticultural area may be found on four United States Geological Survey Quadrangle 7.5 minute series (Topographic) maps, entitled Patterson Quadrangle, California—Stanislaus Co., Copper Mtn. Quadrangle, California—Stanislaus Co., Wilcox Ridge, California, Stanislaus Co., and Orestimba Peak, California—Stanislaus Co.

Public Participation—Written Comments

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF is particularly interested in comments concerning the propriety of using the name ''Diablo Grande'' for this proposed viticultural area since there appears to be no evidence that this name was associated with this area prior to the construction of the resort.

ATF will not recognize any submitted material as confidential and comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927–8602, provided the comments: (1) are legible; (2) are 8½″ x 11″ in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

After consideration of all comments and suggestions, ATF may issue a Treasury decision. The proposals discussed in this notice may be modified due to comments and suggestions received.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (j)) and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive order.

Drafting Information

The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.156 to read as follows:

§ 9.156 Diablo Grande.

(a) Name. The name of the viticultural area described in this section is ''Diablo Grande.''

(b) Approved maps. The appropriate maps for determining the boundary of the Diablo Grande viticultural area are the following four U.S.G.S. Quadrangle 7.5 Minute Series (Topographic) maps. They are titled:

(1) Patterson Quadrangle, California—Stanislaus Co., 1953 (Photorevised 1971, Photoinspected 1978).

(2) Copper Mtn. Quadrangle, California—Stanislaus Co., 1953 (Field Check 1956, Aerial Photo 1971).

(3) Wilcox Ridge, California—Stanislaus Co., 1956 (Photorevised 1971).

(4) Orestimba Peak, California—Stanislaus Co., 1955 (Photorevised 1971).

(c) Boundary. The Diablo Grande viticultural area is located in the western foothills of Stanislaus County, California. The beginning point is at Reservoir Spillway 780 in section 8, Township 6 South, Range 7 East (T. 6S., R. 7E.) on the Patterson Quadrangle U.S.G.S. map.

(1) Then proceed northwest to Salt Grass Springs to the point where the 1000 foot contour line crosses the northern section line of section 9, T. 6S., R. 6E., on the Copper Mtn., Quadrangle U.S.G.S. map.

(2) Then proceed due south past Copper Mountain in section 16, T. 6S., R. 6E., to Mikes Peak in section 4, T. 7S., R. 6E., on the Wilcox Ridge Quadrangle U.S.G.S. map.

(3) Then proceed due west to Oristimba Creek in section 6, T. 7S., R. 6E.

(4) Then proceed following Orestimba Creek south/southeast and then east/northeast to the point where Orestimba Creek meets Bench Mark #340 in section 28, T. 7S., R. 7E., on the Orestimba Peak Quadrangle U.S.G.S. map.

(5) Then proceed northwest to the point of beginning at Reservoir Spillway 780 in section 8, T. 6S., R. 7E.

Signed: June 13, 1997.

John W. Magaw,

Director.

[FR Doc. 97–16491 Filed 6–23–97; 8:45 am]

BILLING CODE 4810–31–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure for E–Z Trials

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains revisions to the procedural rules governing the E–Z Trial program. These revisions are intended to assist the E–Z Trial process in meeting its objective of allowing parties in less complex cases to argue their cases before the Commission with as few legal formalities as possible.

DATES: Comments must be received by July 24, 1997.

ADDRESSES: All comments concerning these proposed rules should be addressed to Earl R. Ohman, Jr., General Counsel, Occupational Safety and Health Review Commission, 1120 20th Street NW., 9th Floor, Washington, DC 20036–3419..

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, (202) 606–5410.

SUPPLEMENTARY INFORMATION: On August 14, 1995, the Occupational Safety and Health Review Commission published in the **Federal Register** (60 FR 41805) new procedural rules for a pilot program designed to simplify and accelerate adjudication for those cases appropriate for a less formal process. Designated ''E–Z Trial,'' the pilot program was to run for one year, beginning on October 1, 1995, and terminating on September 30, 1996, under a ''sunset provision'' unless extended by the Commission. On September 27, 1996, the Commission extended the sunset provision until March 31, 1997, to allow for an evaluation of the pilot program (61 FR 50711). During that period, the Commission held focus groups with parties, including small employers, safety consultants, representatives of employers, and attorneys from the Cleveland office of the Solicitor of Labor, who had participated in E–Z Trial proceedings, The participants were given an opportunity to comment on the E–Z Trial process and to suggest changes that would enable the E–Z Trial program to more effectively achieve its goals. The Commission also solicited comments and experiences from Commission judges who had conducted E–Z Trials. On March 28, 1997, the Commission further extended the sunset provision until July 31, 1997 (62 FR 14821) in order to evaluate the comments it had received about the E–Z Trial program. Based on that evaluation, the Commission has proposed revisions to its procedural rules involving the eligibility of cases for E–Z Trial and mandatory disclosure by the parties. Specifically, the Commission has determined that cases involving fatalities or allegations of repeat violations are not appropriate for E–Z Trial designation, and that cases involving aggregated proposed penalties of more than $10,000, but not more than $20,000, may be designated for E–Z Trial at the discretion of the Chief Administrative Law Judge, if otherwise appropriate. Additionally, the Commission believes that the goal of E–Z Trial is best served by requiring the Secretary to turn over to the employer any photographs or videotapes that the Secretary anticipates using at the hearing. Having received many comments concerning the increased use of videotapes and photographs during inspections, the Commission believes that the disclosure of such evidence will promote fairness and will help expedite the resolution of E–Z Trial cases. The Commission invites comments from the public regarding these proposed changes.

List of Subjects in 29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

For the reasons set forth in the preamble, the Occupational Safety and Health Review Commission proposes to amend Title 29, Chapter XX, Part 2200, Subpart M of the Code of Federal Regulations as follows:

PART 2200—RULES OF PROCEDURE

1. The authority citation continues to read as follows:

Authority: 29 U.S.C. 661(g).

2. Section 2200.202 is revised to read as follows:

§ 2200.202 Eligibility for E–Z Trial.

(1) Those cases selected for E–Z Trial will be those that do not involve complex issues of law or fact. Cases appropriate for E–Z Trial would generally include those with one or more of the following characteristics:

(a) relatively few citation items,

(b) an aggregate proposed penalty of not more than $10,000,

(c) no allegation of willfulness or a repeat violation,

(d) not involving a fatality,

(e) a hearing that is expected to take less than two days, or

(f) a small employer whether appearing *pro se* or represented by counsel.

(2) Those cases with an aggregate proposed penalty of more than $10,000, but not more than $20,000, if otherwise appropriate, may be selected for E–Z Trial at the discretion of the Chief Administrative Law Judge.

3. Section 2200.206(a) is revised to read as follows:

§ 2200.206 Disclosure of information.

(a) *Disclosure to employer.* (1) Within 12 working days after a case is designated for E–Z Trial, the Secretary shall provide the employer, free of charge, copies of the narrative (Form OSHA 1–A) and the worksheet (Form OSHA 1–B), or their equivalents.

(2) Within 30 calendar days after a case is designated for E–Z Trial, the Secretary shall provide the employer with reproductions of any photographs or videotapes that the Secretary anticipates using at the hearing.

(3) The Judge shall act expeditiously on any claim by the employer that the Secretary improperly withheld or redacted any portion of the documents,

photographs, or videotapes on the grounds of confidentiality or privilege.

* * * * *

4. Section 2200.207(a) is amended by revising the first sentence to read as follows:

§ 2200.207 Pre-hearing conferences.

(a) *When held.* As early as practicable after the employer has received the documents set forth in § 2200.206(a)(1), the presiding Judge will order and conduct a pre-hearing conference. * * * * * * * * *

Dated: June 18, 1997.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 97–16474 Filed 6–23–97; 8:45 am]

BILLING CODE 7600–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

RIN 0720–AA38

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Retiree Dental Program

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes the TRICARE Retiree Dental Program (TRDP) to provide dental care to military members entitled to retired pay and eligible family members and their dependents. The rule details operation of the program and seeks comments on our plan to implement the TRDP.

DATES: Comments must be received on or before July 24, 1997.

ADDRESSES: Office of Health Services Financing Policy, Department of Defense, Room 1B657 Pentagon, Washington, DC 20301–1200.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Speight, Office of the Assistant Secretary of Defense (Health Affairs), (703) 697–8975.

SUPPLEMENTARY INFORMATION:

I. Overview of the Proposed Rule

Implementation of the TRICARE Retire Dental Program (TRDP) was directed by Congress in section 703 of the National Defense Authorization Act for Fiscal year 1997, Pub. L. 104–201, which amended title 10, United States Code, by adding section 1076c. This law directed the implementation of a dental program for: (1) Members of the Armed Forces who are entitled to retired pay, (2) Members of the Retired Reserve under the age of 60, (3) Eligible dependents of (1) or (2) who are covered by the enrollment of the member, and (4) The unremarried surviving spouse and eligible child dependents of a deceased member who dies while in status described in (1) or (2), or the unremarried surviving spouse and eligible child dependents who receive a surviving spouse annuity.

Included in the program are the 50 United States and the District of Columbia, Canada, Puerto Rico, Guam and the U.S. Virgin Islands. Enrollment in the program is voluntary and members enrolled in the dental plan will be responsible for paying the full cost of the premiums. The premium payment may be collected pursuant to procedures established by the Assistant Secretary of Defense (Health Affairs). Dental coverage under the TRDP will provide basic dental care, to include diagnostic services, preventive services, basic restorative services (including endodontics), surgical services, and emergency oral examinations.

Under this approach, where possible, members entitled to retired pay and eligible family members and their dependents may make use of participating dental providers in their areas and may benefit from reduced out-of-pocket costs and provider submission of claims and acceptance of contractor allowances and arrangements. TRDP eligibles will obtain information concerning the program and the application process from the contractor.

This proposed rule adopts the statutory preemption authority of 10 U.S.C., section 1103. This statute broadly authorizes preemption of state laws in connection with DoD contracts for medical and dental care. We have made the judgment that preemption is necessary and appropriate to assure the operation of a consistent, effective, and efficient federal program. In addition, the enacting legislation for the TRICARE Retiree Dental Program directs the Department of Defense to implement this program by October 1, 1997. Absent preemption of certain State and local laws on insurance regulation and other matters, competition would be severely limited and the process substantially delayed.

II. Rulemaking Procedures

Executive Order 12866 requires certain regulatory assessments for any ''significant regulatory action,'' defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

Pursuant to the Paperwork Reduction Act of 1995, the reporting and recordkeeping of this proposed rule have been submitted to the OMB for review under 3507(d) of the Act.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed information collection and seeks public comment on the provision thereof. Comments are invited on: (a) Whether the proposed collection 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 information collection; (c) ways to enhance quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

The collection of information is necessary to enroll military members entitled to retired pay and eligible dependents in the TRICARE Retiree Dental Program. The application will allow the Department of Defense to identify enrollment applicants, evaluate their eligibility for the enrollment, and determine other health insurance coverage which an applicant may have.

Affected Public: Eligible family members and their dependents.

Annual Burden Hours: 71,640.

Number of Respondents: 286,570.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: Once, at time of initial application.

Respondents are military members entitled to retired pay and eligible family members and their dependents who are seeking enrollment in the TRICARE Retiree Dental Program. The enrollment application will allow the Department to collect the information necessary to properly identify the program's applicants and to determine their eligibility for enrollment in the TRICARE Retiree Dental Program. In completing and signing a TRICARE Retiree Dental Program enrollment form, applicants will acknowledge that they understand the benefits offered under

the program and the rules they must follow to continue their participation in the program. Initial enrollment will be for a period of 12 months followed by month-to-month enrollment as long as the enrollee chooses to continue enrollment.

Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs, OMB, 715 17th Street NW., Washington, DC 20503, marked ''Attention Desk Officer for Department of Defense.'' Copies should be sent to the Office of the Assistant Secretary of Defense (Health Affairs), 1B657 The Pentagon, Washington, DC 20301, ATTN: Cynthia Speight. When the Department of Defense promulgates the Final Rule, the Department will respond to comments by OMB or the public regarding the information collection provisions and recordkeeping requirements of the rule.

This is a proposed rule. The Department is making an exception to the normal 60 day public comment period due to the statutory requirement for implementation by October 1, 1997. Public comments are invited. All comments will be considered. A discussion of the major issues received by public comments will be included with issuance of the final rule, anticipated approximately 90 days after the end of the comment period.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, and Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C., Chapter 55.

2. Part 199 is proposed to be amended by adding § 199.22, as follows:

§ 199.22 TRICARE Retiree Dental Program (TRDP).

(a) *Purpose.* The TRDP is a premium based indemnity dental insurance coverage program that will be available to retired members of the Armed Forces, their dependents, and certain other beneficiaries, as specified in paragraph (d) of this section. The TRDP is authorized by 10 U.S.C. 1076c.

(b) *General provisions.* (1) Benefits are limited to diagnostic services, preventive services, basic restorative services (including endodontics), surgical services, and emergency oral examinations, as specified in paragraph (f) of this section.

(2) Premium costs for this coverage will be paid by the enrollee.

(3) The program is applicable to authorized providers in the 50 United States and the District of Columbia, Canada, Puerto Rico, Guam and the U.S. Virgin Islands.

(4) Except as otherwise provided in this section or by the Assistant Secretary of Defense (Health Affairs) or designee, the TRDP is administered in a manner similar to the Active Duty Dependents Dental Plan under § 199.13.

(5) The TRDP shall be administered through a contract.

(c) *Definitions.* Except as may be specifically provided in this section, to the extent terms defined in §§ 199.2 and 199.13(b) are relevant to the administration of the TRICARE Retiree Dental Program, the definitions contained in those sections shall apply to the TRDP as they do to CHAMPUS and the TRICARE active duty dependents dental plan.

(d) *Eligibility and enrollment.*—(1) *Eligibility.* Enrollment in the TRICARE Retiree Dental Program is open to:

(i) Members of the Armed Forces who are entitled to retired pay,

(ii) Members of the Retired Reserve under the age of 60,

(iii) Eligible dependents of paragraph (d)(1)(i) or (ii) of this section who are covered by the enrollment of the member, and

(iv) The unremarried surviving spouse and eligible child dependents of a deceased member who dies while in status described in paragraph (d)(1) (i) or (ii) of this section, or the unremarried surviving spouse and eligible child dependents who receive a surviving spouse annuity.

(2) *Notification of eligibility.* The contractor will notify persons eligible to receive dental benefits under the TRICARE Retiree Dental Program.

(3) *Election of coverage.* Following this notification, interested members entitled to retired pay and eligible family members and their dependents may elect to enroll. In order to obtain dental coverage, written election by the eligible beneficiary must be made.

(4) *Enrollment.* Enrollment in the TRICARE Retiree Dental Program is voluntary and will be accomplished by submission of an application to the TRDP contractor. Initial enrollment shall be for a period of 12 months followed by month-to-month enrollment as long as the enrollee chooses to continue enrollment.

(5) *Period of coverage.* TRICARE Retiree Dental Program coverage is terminated when the member's entitlement to retired pay is terminated, the member's status as a member of the Retired Reserve is terminated, a dependent child loses eligible child dependent status, or in the case of remarriage of the surviving spouse.

(6) *Continuation of dependents' enrollment upon death of enrollee.* Coverage of a dependent in the TRDP under an enrollment of a member or surviving spouse who dies during the period of enrollment shall continue until the end of that period and may be renewed by (or for) the dependent, so long as the premium paid is sufficient to cover continuation of the dependent's enrollment. The Secretary may terminate coverage of the dependent when the premiums paid are no longer sufficient to cover continuation of the enrollment.

(e) *Premium payments.* Persons enrolled in the dental plan will be responsible for paying the full cost of the premiums in order to obtain the dental insurance.

(1) *Premium payment method.* The premium payment may be collected pursuant to procedures established by the Assistant Secretary of Defense (Health Affairs) or designee.

(2) *Effects of failure to make premium payments.* Failure to make monthly renewal premium payments will result in the enrollee's disenrollment from the TRDP and subject to a lock-out period of 12 months. Following this period of time, persons eligible will be able to reenroll if they so choose.

(3) *Member's payment of premiums.* The cost of the TRDP monthly premium will be paid by the enrollee. Interested beneficiaries may contact the dental contractor/insurer to obtain the enrollee premium cost.

(f) *Plan benefits.* The TRDP will provide basic dental care, to include diagnostic services, preventive services, basic restorative services (including endodontics), surgical services, and emergency oral examinations. The following is the TRDP covered dental benefit (using the American Dental Association, The Council on Dental Care Program's Code On Dental Procedures and Nomenclature):

(i) Diagnostic: Periodic oral examination (00120); Comprehensive oral examination (limited to one exam per year in the same dental office) (00150), Intraoral-complete series (including bitewings) (00210); Intraoral-periapical-first film (00220); Intraoral-periapial-each additional film (00230); Intraoral-occlusal film (00240); Bitewings-single film (00270); Bitewings-two films (00272); Bitewings-four films (00274); Panoramic film (00330); Caries susceptibility tests, by report (00425); Pulp vitality tests (00460).

(ii) Preventive: Prophylaxis-adult (limit-once per year) (01110); Prophylaxis-child (01120); Topical application of fluoride (excluding

prophylaxis)-child (01203); Topical application of fluoride (excluding prophylaxis)-adult, by report, once per year (01204); Sealant-per tooth (01351); Space maintainer-fixed-unilateral (01510); Space maintainer-fixed-bilateral (01515); Space maintainer-removable-unilateral (01520); Space maintainer-removable-bilateral (01525); Recementation of space maintainer (01550).

(iii) Restorative: Amalgam-one surface, primary (02110); Amalgam-two surfaces, primary (02120); Amalgam-three surfaces, primary (02130); Amalgam-four or more surfaces, primary (02131); Amalgam-three surfaces, permanent (02160); Amalgam-four or more surfaces, permanent (02161); Resin-one surface, anterior (02330); Resin-two surfaces, anterior (02331); Resin-three surfaces, anterior (02332); Resin-four or more surfaces or involving incisal angle (anterior) (02335); Recement inlay (02910); Recement crown (02920); Prefabricated stainless steel crown-primary tooth (02930); Prefabricated stainless steel crown-permanent tooth (02931); Prefabricated resin crown (02932); Prefabricated stainless steel crown with resin window (02933); Pin retention-per tooth, in addition to restoration (02951); Temporary crown (fractured tooth) (02970).

(iv) Endodontic: Pulp cap-indirect (excluding final restoration (03120); Therapeutic pulpotomy (excluding final restoration) (03220); Anterior root canal (excluding final restoration) (03310); Bicuspid root canal (excluding final restoration) (03320); Molar root canal (Excluding final restoration) (03330); Retreatment-anterior, by report (03346); Retreatment-bicuspid, by report (03347); Retreatment-molar, by report (03348); Apexification/recalcification-initial visit (apical closure/calcific repair of perforations, root resorption, etc.) (03351); Apexification/recalcification-interim medication replacement (apical closure/calcific repair of performations, root resorption, etc.) (03352); Apexification/recalcification-final visit (includes completed root canal therapy-apical closure/calcific repair of perforations, root resorption, etc.) (03353); Apicoectomy/Periradicular surgery-anterior (03410); Apicoectomy/Periradicular surgery-bicuspid (first root) (03421); Apicoectomy/Periradicular surgery-molar (first root) (03425); Apicoectomy/Periradicular surgery (each additional root) (03426); Retrograde filling-per root (03430); Root amputation-per root (03450); Hemisection (including any root removal), not including root canal therapy (03920).

(v) Periodontic: Gingivectomy or gingivoplasty—per quadrant (04210); Gingivectomy or gingivoplasty—per tooth (04211); Gingival curettage, surgical, per quadrant, by report (04220); Gingival flap procedure, including root planing—per quadrant (04240); Mucogingival surgery—per quadrant (04250); Osseous surgery (including flap entry and closure)—per quadrant (04260); Bone replacement graft—single site (including flap entry and closure) (04261); Bone replacement graft—multiple sites (including flap entry and closure) (04262); Guided tissue regeneration (includes the surgery and reentry) (04268); Pedicle soft tissue graft procedure (04270); Free soft tissue graft procedure (including donor site) (04271); Periodontal scaling and root planing—per quadrant (04341); Periodontal maintenance procedures (following active therapy) (04910); Unscheduled dressing change (by someone other than treating dentist) (04920).

(vi) Oral Surgery: Single tooth (07110); Each additional tooth (07120); Root removal—exposed roots (07130); Surgical removal or erupted tooth requiring elevation of mucoperiosteal flap and removal of bone and/or section of tooth (07210); Removal of impacted tooth—soft tissue (07220); Removal of impacted tooth—partially bony (07230); Removal of impacted tooth—completely bony (07240); Surgical removal of residual tooth roots (cutting procedure) (07250); Oral antral fistula closure (07260); Tooth reimplantation and/or stabilization of accidentally evulsed or displaced tooth and/or alveolus (07270); Surgical exposure of impacted or erupted tooth to aid eruption (07281); Biopsy of oral tissue—hard (07285); Biopsy of oral tissue—soft (07286); Surgical repositioning of teeth (07290); Alveoloplasty in conjunction with extractions—per quadrant (07310); Suture of recent small wounds up to 5 cm (07910); Complicated suture—up to 5 cm (07911); Complicated suture—greater than 5 cm (07912); Excision of pericoronal gingiva (07971).

(vii) Emergency: Emergency oral examination (00130); Palliative (emergency) treatment of dental pain—minor procedures (09110).

(viii) Drugs: Therapeutic drug injection, by report (09610); Other drugs and/or medications, by report (09630).

(ix) Postsurgical: Treatment of complications (post-surgical) unusual circumstances, by report (09930).

(g) *Maximum annual cap.* TRDP enrollees will be subject to a maximum cap of $1,000.00 of paid allowable charges per enrollee per year, with the exception of the diagnostic and preventive services.

(h) *Annual review of rates.* TRDP premiums will be determined as part of the competitive contracting process. The contractor will annually notify those eligible for TRDP of the premium rates.

(i) *Authorized providers.* The TRDP enrollee may seek covered services from any provider who is fully licensed and approved to provide dental care in the state where the provider is located.

(j) *Benefit payment.* Enrollees are not required to utilize the special network of dental providers established by the TRDP contractor. For enrollees who do not use these network providers, however, providers shall not balance bill any amount in excess of the maximum payment allowable by the TRDP. Enrollees using non-network providers may be balance billed such an amount. The maximum payment allowable by the TRDP (minus the appropriate cost-share) will be the lesser of:

(1) billed charges or

(2) Usual, Customary and Reasonable rates, in which the customary rate is calculated at the 85th percentile of billed charges in that geographic area, as measured in an undiscounted charge profile in 1995 or later for that geographic area (as defined by three-digit zip code).

(k) *Appeal and hearing procedures.* All levels of appeals and grievances established by the Contractor for internal review shall be exhausted prior to forwarding to OCHAMPUS for a final review. Procedures comparable to those established under § 199.13(h) shall apply.

(l) *Preemption of State laws.* Pursuant to 10 U.S.C., section 1103, any state or local law or regulation pertaining to health or dental insurance, prepaid health or dental plans, or other health or dental care delivery, administration, and financing methods is preempted and does not apply in connection with the TRICARE Retiree Dental Program contract. Any such law, or regulation pursuant to such law, is without any force or effect, and State or local governments have no legal authority to enforce them in relation to the TRICARE Retiree Dental Program contract. (However, the Department of Defense may, by contract, establish legal obligations on the part of the TRICARE Retiree Dental Program contractor to conform with requirements similar to or identical to requirements of State or local laws or regulations).

(m) *Administration.* The Assistant Secretary of Defense (Health Affairs) or designee may establish other rules and

procedures for the administration of the TRICARE Retiree Dental Program.

Dated: June 18, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–16406 Filed 6–23–97; 8:45 am]

BILLING CODE 5000–04–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Chapter II

[Docket No. RM 96–3A]

Notice and Recordkeeping for Subscription Digital Transmissions

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office of the Library of Congress is requesting further comments on the requirements by which copyright owners shall receive reasonable notice of the use of their works from subscription digital transmission services, and how records of such use shall be kept and made available to copyright owners. The Digital Performance Right in Sound Recordings Act of 1995 requires the Office to adopt the regulations. The Office is requesting this additional comment before issuing interim regulations.

DATES: Comments must be submitted on or before August 25, 1997.

ADDRESSES: An original and fifteen copies of the comments shall be delivered to: Office of the General Counsel, Copyright Office, LM–403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C., or mailed to: Nanette Petruzzelli, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Nanette Petruzzelli, Acting General Counsel, or Jennifer L. Hall, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995. Public Law No. 104–39, 109 Stat. 336 (1995). The law gave to sound recording copyright owners an exclusive right to perform their works publicly by means of a digital audio transmission. 17 U.S.C. 106(6). Certain digital transmissions were exempted from the scope of the right, 17 U.S.C. 114(d)(1), while nonexempt digital subscription services were given the opportunity to qualify for a statutory license. 17 U.S.C. 114(d)(2).

Congress directed the Librarian of Congress to establish regulations under which copyright owners may receive reasonable notice of the use of their sound recordings under the statutory license, and under which entities performing the sound recordings shall keep and make available records of such use. 17 U.S.C. 114(f)(2).

The Sec. 114 License for Nonexempt Subscription Transmissions

A nonexempt digital subscription service transmission is subject to statutory licensing in accordance with 17 U.S.C. 114(f) if the transmission is not part of an interactive service, does not exceed the ''sound recording performance complement,'' does not give an advance program schedule or prior announcement of titles to be performed, does not automatically cause the receiving device to switch from one program channel to another, and includes information encoded by authority of the copyright owner identifying the title, the featured artist, and related information. 17 U.S.C. 114(d)(2). The ''sound recording performance complement'' is defined as:

> the transmission during any 3-hour period, on a particular channel used by a transmitting entity, of no more than—
>
> (A) 3 different selections of sound recordings from any one phonorecord lawfully distributed for public performance or sale in the United States, if no more than 2 such selections are transmitted consecutively; or
>
> (B) 4 different selections of sound recordings—
>
> (i) by the same featured recording artist; or
>
> (ii) from any set or compilation of phonorecords lawfully distributed together as a unit for public performance or sale in the United States, if no more than three such selections are transmitted consecutively: *Provided,* That the transmission of selections in excess of the numerical limits provided for in clauses (A) and (B) from multiple phonorecords shall nonetheless qualify as a sound recording performance complement if the programming of the multiple phonorecords was not willfully intended to avoid the numerical limitations prescribed in such clauses.

17 U.S.C. 114(j)(7).

Digital subscription transmission services that qualify for the statutory license may reach a voluntary agreement as to rates and terms with sound recording copyright owners, or may petition the Librarian of Congress to convene a copyright arbitration royalty panel (CARP) to set rates and terms for those entities that have not reached voluntary agreement. 17 U.S.C. 114(f). On June 4, 1996, no voluntary agreement having been reached, the parties petitioned the Librarian to convene such a CARP. Rates and terms set by the CARP will apply to all subscription services not subject to voluntary agreement. 17 U.S.C. 114(f)(2)–(3). However, Congress also directed the Librarian of Congress to establish regulations by which copyright owners may receive reasonable notice of the use of their sound recordings under statutory license, and under which records of such use shall be kept and made available by the entities performing the sound recordings. 17 U.S.C. 114(f)(2). Anyone performing a sound recording publicly by means of a nonexempt subscription transmission under section 114(f) may do so without infringing the exclusive right of the sound recording copyright owner by complying with the notice requirements that the Librarian prescribes by regulation and by paying royalty fees in accordance with the law. 17 U.S.C. 114(f)(5).

Rulemaking on Notice and Recordkeeping

On May 13, 1996, the Copyright Office published a Notice of Proposed Rulemaking in the **Federal Register** requesting comments on the requirements by which copyright owners should receive reasonable notice of the use of their works from subscription digital transmission services and how records of such use should be kept and made available to copyright owners. The Office asked commentators to consider both the adequacy of the notice to sound recording copyright owners and the administrative burdens placed on the digital transmission services in providing notice and maintaining records of use. 61 FR 22004 (May 13, 1996).

The Office received a total of four comments and three reply comments, as well as one surreply and one comment to the surreply. Comments were submitted by the Recording Industry Association of America (RIAA); DMX, Inc. (DMX); Muzak; and Digital Cable Radio Associates/Music Choice (DCR) (''commenting parties''). The comments set forth a wide range of proposals for notice and records of use, with varying form and content requirements. The comments also included proposals concerning matters not addressed in the

Act, such as confidentiality and auditing.

On Thursday, November 14, 1996, the Copyright Office met with the parties to facilitate agreement on notice and recordkeeping requirements for digital subscription services under 17 U.S.C. 114, and to discuss the proper regulatory and recordkeeping role for the Office. *See* Memorandum from Marilyn J. Kretsinger, Acting General Counsel, U.S. Copyright Office, to Commenting Parties (Oct. 9, 1996). In attendance were 15 individuals representing RIAA, DMX, Muzak, DCR, and the Copyright Office. Further written comments were submitted in response to a draft meeting summary distributed to participants by the Copyright Office. A second meeting took place on Thursday, January 23, 1997. *See* Memorandum from Marilyn J. Kretsinger, Acting General Counsel, U.S. Copyright Office, to Commenting Parties (Jan. 14, 1997). A summary of the written comments and meeting discussions will be included with the published interim regulations.[1]

In this Notice of Inquiry, the Copyright Office requests further written comment from interested parties relating to quarterly reports of use to be provided by digital subscription services, before proceeding to issue interim regulations under section 114. The regulations will be issued on an interim basis due to the developing nature of the technology to be employed in accommodating the reporting requirements.

Policy Issues Relating to Quarterly Reports of Use Identified in Discussions Among the Commenting Parties

The comments and the discussions among the commenting parties raised the following issues relating to the quarterly reports of use.

1. Reporting Compliance With the Sound Recording Performance Complement

In addition to an initial notice to be filed, with an accompanying filing fee, with the U.S. Copyright Office, the commenting parties proposed generally that subscription services file quarterly reports of use including data to indicate which sound recordings were performed and the number of times (summary frequency data). In addition to the summary frequency data, sound recording copyright owners proposed that each quarterly report include a sample of the service's playlist, to permit copyright owners: (1) To verify the accuracy of the summary frequency data; and (2) to monitor compliance with the sound recording performance complement defined in 17 U.S.C. 114(j)(7). Under one proposal, the sample would have consisted of a 30-day report each quarter of either: (1) The service's actual playlist; or (2) its intended playlist with an error log and an accompanying certification of the information's accuracy by a service official. *See* RIAA Additional Reply (Dec. 19, 1996) at 7.

In response, representatives of subscription services raised two issues: (1) Whether the Act requires them to affirmatively report compliance with the performance complement at all; and (2) if so, whether a sample size could be developed with a true mathematical or statistical basis. *See* DCR Additional Comment (Dec. 12, 1996) at 4–6; Letter from Jon L. Praed to Jean R. Milbauer (Jan. 16, 1997). At the January 23 meeting, RIAA indicated that it would attempt to determine an appropriate sample size if the services were to provide appropriate data. On February 11, the Copyright Office encouraged the services to address RIAA's request for such data. Memorandum from Nanette Petruzzelli, Acting General Counsel, U.S. Copyright Office, to Commenting Parties (Feb. 11, 1997).

On March 11, 1997, after consulting with the other commenting services, a representative for DMX proposed that the services simply produce their entire intended playlist for each quarter instead of providing summary frequency data or error logs, to enable copyright owners to determine allocation of royalties and compliance with the performance complement. Letter from Seth D. Greenstein, Esq., to Jean R. Milbauer, Esq. (Mar. 11, 1997). This proposal was deemed generally acceptable to the commenting parties provided that an agreeable definition for ''intended playlist'' were reached. *See* Letter from Jean R. Milbauer to Commenting Services (Mar. 13, 1997); Letter from Seth D. Greenstein to Jean Milbauer, Esq. (Mar. 18, 1997); Letter from Fernando R. Laguarda, Esq., to Jean R. Milbauer, Esq. (Mar. 18, 1997) (''without waiving any legal objections previously set forth'').

2. Data Fields

The commenting parties are also attempting to negotiate agreement on data fields to be provided in the reports of use that will permit identification of sound recordings performed and distribution of royalties to individual copyright owners, without placing unreasonable burden on subscription services. *See, e.g.*, DCR Additional Comment (Dec. 12, 1996) at 4 n.7; RIAA Additional Reply (Dec. 19, 1996) at 2 n.1; Letter from Seth D. Greenstein, Esq., to Jean Milbauer, Esq. (Mar. 18, 1997).

3. Non-Collective Member Copyright Owners

Finally, issues exist concerning how the reports of use will be kept or made available for sound recording copyright owners who are not members of a collective, who cannot be located, or who refuse delivery. RIAA has created a collective to collect and distribute its members' sound recording performance royalties. Owners of copyright in an estimated 90 percent of all sound recordings sold in the United States are members of the RIAA trade association and will likely designate the RIAA collective as their agent or representative; in those cases, digital subscription services would file quarterly reports (and any royalty payments and accounting information) with the RIAA collective. Services, however, may not be able to employ the statutory license in this manner for an estimated ten percent of all sound recordings sold in the United States. Sound recording copyright owners that are not members of the RIAA trade association may not be permitted by RIAA to designate its collective as their agent to receive reports and royalties. *See* RIAA Additional Reply (Dec. 19, 1996) at 9–10; DCR Additional Comment (Dec. 12, 1996) at 7. Some copyright owners may choose not to designate the RIAA collective. *See* 17 U.S.C. 114(e)(1) (permitting designation of common agents on nonexclusive basis). The location or identity of other sound recording copyright owners may be unknown.

Copyright Office Preliminary Determinations and Additional Policy Questions

Based on the comments and discussions among the parties, which will be addressed more fully in the Office's interim regulations, the Copyright Office has reached certain preliminary decisions and identified certain additional policy questions.

The Office will accept an optional initial notice which may be filed by digital transmission services indicating commencement of transmission of sound recordings under the section 114 statutory license. This initial notice, to consist simply of the service name, address, and contact person, will be placed in Copyright Office records, where copyright owners may obtain access to this information concerning the use of sound recordings under

[1] The comments and meeting summaries are available in the Public Information Office of the Copyright Office, Room LM–401, James Madison Memorial Building, Washington, D.C.

statutory license. Section 114(f)(2), however, requires that copyright owners will receive notice of the use of their sound recordings; a notice indicating commencement of transmission under statutory license does not accomplish that objective, and therefore the regulation will not require services to file such a notice. As discussed below, copyright owners will most appropriately and reasonably receive notice of the use of their sound recordings, and records of such use, by direct service. The contents of the initial notice, and the appropriate filing fee, will be discussed more specifically in the Office's interim regulations.

The Office has concluded that the Digital Performance Right in Sound Recordings Act of 1995 contemplates that digital subscription services will keep and make available, not simply summary frequency data, but records of use that will enable sound recording copyright owners to generally monitor the services' compliance with the sound recording performance complement. *See* 17 U.S.C. 114(d)(2); 114(f)(5); 114(j)(7). The Office has determined that establishing such a requirement is within its rulemaking authority under 17 U.S.C. 114(f)(2).

The Office has also determined that sound recording copyright owners whose identity and location is known should be served directly, or directly via their designated agent, with the quarterly reports of use of their copyrighted works under the statutory license. The Office will not accept for filing any quarterly reports of use. The Office recognizes the potential burden for services of identifying and serving individual copyright owners who are not members of a collective such as RIAA's. *See* DMX Comment at 2, 8; Muzak Comment at 2; DCR Reply at 5–6. The Office understands the possible disincentive that individual reporting could create for performance of recordings owned by small or independent record labels. *See* DMX Reply at 3. However, the regulations must establish how records of use shall be kept and made available, and the Office is unable to designate a particular entity as a central records repository or as a collective agent. *See* 17 U.S.C. 114(e)(1).

In order to determine the appropriate regulatory structure of any reporting requirements, the Office has examined analogous statutory, regulatory, and industry precedent involving collective or compulsory licensing of performance and reproduction rights in musical works.

With their multiple channels and round-the-clock transmission, digital services in some respects resemble traditional radio broadcasters, who provide reports to three collective performing rights societies (that, in turn, monitor hours of radio play). Practically speaking, owners of copyright in musical works generally authorize one of these collective rights societies to license public performances in order to be compensated and receive records of use.

On the other hand, under the section 115 license and its accompanying regulations, by which record companies and others make and distribute phonorecords of nondramatic musical works, compulsory licensees must serve the copyright owner or its agent directly with notice, and with monthly and annual statements of account (which include records of distribution). *See* 17 U.S.C. 115(b)(1); 17 U.S.C. 115(c) (4)–(5); 37 CFR 201.18(e)(2); 37 CFR 201.19 (e)(7)(i), (f)(7). The requirement of actual notice, however, attaches only if the registration or other public records of the Copyright Office identify the copyright owner and include an address at which notice can be served; otherwise, it is sufficient to file the notice in the Copyright Office. 17 U.S.C. 115(b)(1); 37 CFR 201.18(e)(1).[2] If the notice is sent to the last address shown for the copyright owner in Copyright Office records, and is returned because the copyright owner is no longer there or has refused delivery, the licensee shall file the notice with the Copyright Office, along with evidence that it was sent by certified or registered mail to that address, and a brief statement that the notice was sent to the last address shown in Copyright Office records but was returned. 37 CFR 201.18(e)(3). Where an address for the copyright owner is not known, or the copyright owner has refused delivery, licensees may file their monthly and annual statements of account with the Copyright Office Licensing Division, along with any evidence of certified or registered mailing. 37 CFR 201.19 (e)(7)(ii)(A), (f)(7)(iii)(A).[3] Any monthly or annual statement of account so filed with the Office must be accompanied by a brief statement of why the statement was not served on the copyright owner. 37 CFR 201.19 (e)(7)(ii)(A), (f)(7)(iii)(A). As a matter of business practice, some compulsory licensees may also create an escrow account to set aside royalties at the statutory rate for a certain time period.

At the initial meeting of the commenting parties, there was some discussion of an escrow account or trust fund for section 114 royalty payments for copyright owners who are unknown or cannot be located. *See* Summary of Nov. 14 Meeting 1 (Jan. 2, 1997). The Office has no authority to require services to set aside section 114 royalties; just as some record companies may escrow royalties for unknown publishers under section 115, services may decide for business and legal reasons to escrow section 114 royalties. Because, however, the Office has concluded that it will not receive reports of use under the section 114 license and cannot designate a particular entity as a central collective or records repository, the Office sees no alternative to requiring subscription services that perform sound recordings under the section 114 license to serve the sound recording copyright owner whose identity and location is known, or its designated agent, directly with reports of use.

The Office is therefore requesting comment on how digital services will identify and locate sound recording copyright owners whose sound recordings are performed, and how the regulation should define a sound recording copyright owner ''whose identity and location is known'' so as to trigger the requirement of direct service. Only copyright owners whose location or identity is unknown, or who refuse delivery, will not be directly served.

1. Reports of Use for Unknown Copyright Owners

In the event that an address for a copyright owner is not known, or the copyright owner has refused delivery, no additional filing will be required at the Copyright Office. All digital services may file an initial notice with the Office indicating their commencement of transmission. All services will be required to maintain their records of use (i.e., either the reports of use, or the information underlying the reports of use) for a period of three years, the statutory limitation for copyright infringement actions. As a matter of business practice, services are strongly urged to maintain any evidence of mailing and a brief statement as to why the reports of use were not served on the copyright owner. While recognizing burdens associated with retention of such records, the Office believes it is in the services' interests to do so. Services may wish to consider designating a collective agent to maintain their reports

[2] To be entitled to receive royalties under compulsory license, the copyright owner must be identified in the registration or other public records of the Copyright Office. 17 U.S.C. 115(c)(1).

[3] The regulations specify that the filing, or failure to file, a monthly or annual statement of account with the Office has no effect ''other than that which may be attributed to it by a court.'' 37 CFR 201.19 (e)(7)(ii)(C), (f)(7)(iii)(C).

of use for the three year period, and in any event must establish reasonable access procedures and conditions.

Copyright owners who wish to contact digital services may do so directly or through their designated representatives. The Office envisions that owners of copyright in sound recordings performed under the section 114 license who have not been directly served, but who make their identity and location known at some point in time, should have access to records of use of their works for the preceding three years, and should thereafter be served directly with reports relating to subsequent performances. The Office therefore inquires how services propose to make records of use reasonably available and accessible, and how copyright owners whose works are performed but who have not been directly served should make their identity and location known. Subscription services may want to comment on how such copyright owners might identify their sound recordings, and how a regulation might delineate boundaries within which such copyright owners may demand access to records of use.

2. Audit of Records of Use

A related, although not identical, question concerns the auditing of the digital services' records of use by copyright owners in general. During discussions, the commenting parties agreed that any rules governing audits of accounting records were best handled under section 114(f)(2) as a matter of rates and terms, to be addressed and resolved through CARP or negotiation. However, in order to ensure access to records of use and limit the potential for multiple audits, some parties proposed a regulation that would permit audits of the information underlying the reports of use, but would limit copyright owners to a single such audit per year; such procedure would be initiated by a notice of intent to audit, filed with the Copyright Office and published in the **Federal Register**, with a comment period for all interested parties to agree on choice of auditor. *See* DMX Comment at 12–13; RIAA Reply at 14–16, 18. The Office is assuming that the decision to provide the intended playlists in the quarterly reports largely obviates the need for an audit regulation, and in any event is inclined to see the practice of auditing as a business and legal decision. The Office will issue no regulation, therefore, concerning audit of the information underlying the reports of use.

3. Confidentiality of Records and Data Separation

Finally, the Office recognizes confidentiality concerns that services have expressed in relation to serving playlist information and programming details upon sound recording copyright owners. *See* Muzak Comment at 2–3. Precautions that may be implemented at a large collective to protect the information's confidentiality may be difficult to duplicate by dozens of smaller recipients. Yet the Office also recognizes that the commenting services' desire to avoid burdensome data separation and the production of different data in different formats for different copyright owner entities was a primary motivator for the proposal ''simply to produce the entire intended playlist for each quarter,'' subject to appropriate confidentiality provisions. *See* Letter from Seth D. Greenstein, Esq., to Jean Milbauer, Esq. (Mar. 11, 1997). Even if a software program can be developed to separate and extract names of copyright owners who are, or are not, members of a particular collective, there may eventually be multiple collectives. On the other hand, because royalties must be paid to small and individual copyright owners whose works are performed, the Office recognizes that services will necessarily generate some data to determine those royalties, and undertake some separation of copyright owner names, sound recording identifiers, and frequency of performances. The Office inquires whether services plan to provide their intended playlists for each quarter to small and individual sound recording copyright owners (as well as to a major collective such as the RIAA's) and, if not, whether the services can propose an alternative reporting mechanism that would indicate which sound recordings were performed and the number of times (summary frequency data), and permit sound recording copyright owners to monitor compliance with the sound recording performance complement (perhaps through date and time information). The Office requests comment as to whether services will extract the names of individual copyright owners, or members of various collectives, in order to provide such individuals or entities with separate royalties or reports, and whether this would provide a means for an alternative reporting mechanism. The Office inquires whether copyright owners should be required to sign and return a confidentiality agreement before receiving reports consisting of playlist information, and whether the regulation should permit copyright owners to waive service of reports including performance complement information in order to receive simply the summary frequency data pertaining to the use of their sound recordings only. We also seek comment on the estimated costs for providing intended playlists to different parties, and on who should bear the costs of serving, maintaining, and accessing such records of use.

The Office is providing a 60-day comment period with this inquiry to permit the parties to conduct any discussions and reach agreement on any outstanding issues; there will be no reply period. We would particularly appreciate comment from sound recording copyright owners not represented by RIAA, and are aware of at least one such entity that has requested records of use from DMX. *See* Letter from Seth D. Greenstein, Esq., to Jean Milbauer, Esq. (Mar. 11, 1997).

Questions for Comment

The Office requests public comment on the following questions relating to the quarterly reports of use to be provided by digital subscription services:

(1) The Office has determined that digital subscription services should provide records of use that will indicate which sound recordings were performed and the number of times, and that will enable sound recording copyright owners to monitor compliance with the sound recording performance complement defined in 17 U.S.C. 114(j)(7). Should a service provide its intended playlist as the vehicle for such reporting? Is an alternative reporting mechanism available?

(2) What should be the definition of ''intended playlist''? Would a service provide its intended playlist for each day, and each channel, at the close of each quarter? How long after the close of each quarter should the report be due? If the intended playlist is made available, would error logs also be required in the event of a system malfunction?

(3) Should the reports of use bear a certification by a service representative, and, if so, why? What would be the content of such a certification?

(4) The Office has determined that sound recording copyright owners whose identity and location is known should be served directly, or directly via their designated agent, with quarterly reports of use of their copyrighted works under the statutory license. In serving small and individual sound recording copyright owners, who are not members of a major collective such as RIAA's, will services provide their intended

playlists or can they propose an alternative reporting requirement that would indicate which sound recordings were performed and the number of times (summary frequency data) and permit monitoring of the performance complement? What costs are involved in providing the intended playlist to different parties? Who should bear the costs of serving, maintaining, or accessing these records of use?

(5) Does provision of the intended playlist raise confidentiality problems? If so, what measures can a service or copyright owner take to protect its confidentiality? Should there be any express restrictions on the use of this information and, if so, what restrictions? If in fact the information is confidential or trade secret, and no satisfactory alternative reporting requirement can be devised, should the copyright owner be required to sign and return a confidentiality agreement before receiving reports of use consisting of playlist information? Should the regulation permit the copyright owner to waive service of information relating to the performance complement in order to receive simply the summary frequency data pertaining to the use of their sound recordings only?

(6) How do digital subscription services plan to identify and locate copyright owners of sound recordings they perform under statutory license? Beyond identification in the Copyright Office registration records, how should the regulations define a sound recording copyright owner ''whose identity and location is known'' for the purpose of triggering the requirement of direct service? How will services identify and locate foreign sound recording copyright owners?

(7) How do services anticipate that they will separate the names of members of various collectives, or of independent copyright owners, in order to provide such individuals or entities with separate reports? Given that services must pay royalties to small and individual copyright owners whose works are performed, what data will services generate to determine those royalties, and what separation of copyright owner names, sound recording identifiers, and performance frequency will they necessarily undertake? Could the data generated for royalty calculation and distribution be made available in reports of use, as an alternative to the intended playlists, in a way that would permit copyright owners to generally monitor the performance complement?

(8) How should copyright owners who have not been directly served make their identity and location known to digital services? How might these copyright owners identify their sound recordings for digital services?

(9) Should services retain their reports of use for three years, or is there information underlying the reports of use (such as summary frequency data, and date and time information) that might be more easily kept and made available? How do services plan to make records of use for a three year period reasonably available and accessible for copyright owners who have not been directly served? Are regulations concerning access for such individuals and entities needed?

(10) What data fields and sound recording identifiers are available, and which of these should be included in the quarterly reports of use? Will the date and time of the performance be identified and, if so, how? With respect to compilation albums, what data fields should be included in the reports of use? If there are any particular sound recording identifiers or data fields that should not be required, or that should not be required during the interim regulatory period, state which fields, and why.

(11) Should the regulations address the reporting of non-music and foreign programming? How would such programming be defined? What notice and recordkeeping requirements would apply to such programming?

(12) Should the Office expressly recognize a transition period before services must provide reports conforming completely to the regulations? If so, what should be the transition period, and what is the minimum information that should be required?

Dated: June 18, 1997.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 97–16553 Filed 6–23–97; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 73

[FRL–5845–2]

Acid Rain Program: Early Reduction Credits

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Title IV of the Clean Air Act, as amended by Clean Air Act Amendments of 1990, (the Act) authorizes the Environmental Protection Agency (EPA or Agency) to establish the Acid Rain Program in order to reduce the adverse health and ecological impacts of acidic deposition. On March 23, 1993, the Agency promulgated final rules allocating allowances to utility units, including the criteria and method of allocating early reduction credits under section 404(e) of the Act. This action implements a settlement of litigation between EPA and a utility regarding Phase II early reduction credits. The settlement provides a method by which additional allowances may be loaned to units receiving early reduction credits as an incentive to further reduce emissions prior to the units becoming subject to the applicable Acid Rain Program emission limitations.

The revisions of the early reduction credit program proposed today are also being issued as a direct final rule because the Agency views the revisions as noncontroversial and anticipates no adverse comments. The detailed rationale for the revisions, and the revised rule provisions, are set forth in the preamble of the direct final rule. If no significant, adverse comments are timely received (see **DATES** section), no further action will be taken on this proposal and the direct final rule will become final on the date provided in that action.

DATES: *Comments.* Comments on the regulations proposed by this action must be received on or before July 24, 1997, unless a hearing is requested by July 7, 1997. If a hearing is requested, written comments must be received by August 8, 1997.

Public Hearing. Anyone requesting a public hearing must contact EPA no later than July 7, 1997. If a hearing is held it will take place July 8, 1997, beginning at 10:00 am.

ADDRESSES: *Comments.* All written comments must be identified with the appropriate docket number (Docket No. A–97–31) and must be submitted in duplicate to EPA Air Docket Section (6102), Waterside Mall, Room M1500, 1st Floor, 401 M Street, SW, Washington DC 20460.

Public Hearing. If a public hearing is held, it will be held at the EPA Headquarters Auditorium, 401 M Street, SW, Washington, DC. Persons interested in attending the hearing or wishing to present oral testimony should notify Kathy Barylski, telephone 202–233–9074, in advance.

Docket. Docket No. A–97–31, containing supporting information used to develop the proposal, is available for public inspection and copying from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, at

EPA's Air Docket Section at the above address. Information concerning the original rules is found in Docket No. A–92–06. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Kathy Barylski at (202) 233–9074 Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460; or the Acid Rain Hotline at (202) 233–9620. Electronic copies of this rulemaking can be accessed through the Acid Rain Division website at http://www.epa.gov/acidrain.

SUPPLEMENTARY INFORMATION: In this documet, EPA proposes revisions to the early reduction credit regulation of the Acid Rain Program that are presented and discussed in detail in a direct final rule published in the Final Rules Section of this **Federal Register**. The proposed revisions provide a method by which additional allowances may be loaned to units receiving early reduction credits as an incentive to further reduce emissions prior to the units becoming subject to the applicable Acid Rain Program emission limitations. EPA is seeking comment on these proposed revisions. EPA considers these revisions to be noncontroversial and anticipates no adverse comments. If EPA timely receives significant, adverse comments, EPA will publish a document in the **Federal Register** withdrawing the direct final rule. In that event, all public comments received will be treated as comments on this proposed rule and will be addressed in a subsequent final rulemaking document. EPA will not institute a second comment period on this document. Any parties interested in commenting on these revisions to Part 73 should do so at this time. The direct final rule includes the rule revisions and a detailed rationale for them.

Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, 58 FR 51735 (October 4, 1993), the Administrator must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a ''significant regulatory action'' because the rule does not meet any of the criteria listed above. As such, this action was not submitted to OMB for review.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than $100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

The revisions to part 73 will not have a significant effect on regulated entities or State permitting authorities. The revisions represent an economic benefit to the affected utility and a benefit to the environment. The early reduction credit program is operated entirely by the EPA and, therefore, the changes will not burden the State or local permitting authorities.

C. Paperwork Reduction Act

This rule will increase the information collection requirements of the existing regulations, but only for the utilities that are eligible and wish to participate in the early reduction credit program. As only two utilities are eligible for early reduction credits, an information collection report is not required. Therefore, no information collection report has been prepared or submitted to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, requires each federal agency to consider potential impacts of its regulations on small business ''entities.'' Under 5 U.S.C. 604(a), an agency issuing a notice of proposed rulemaking must prepare and make available for public comment a regulatory flexibility analysis. Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

Today's rule does not impact small entities. The only two utilities eligible for early reduction credits are large corporations, not small entities. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the revised rule will not have a significant, adverse impact on a substantial number of small entities.

E. Miscellaneous

In accordance with section 117 of the Act, issuance of this rule was preceded by consultation with any appropriate advisory committees, independent experts, and federal departments and agencies.

List of Subjects in 40 CFR Part 73

Air pollution control, Electric utilities, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: June 16, 1997.

Carol M. Browner,

Administrator.

[FR Doc. 97–16512 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–5–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS–94; Notice 7]

RIN 2137–AB38

Qualification of Pipeline Personnel

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meetings.

SUMMARY: This document announces the next three meetings of the RSPA Negotiated Rulemaking Committee. This committee is conducting a negotiated rulemaking to develop a proposed rule on qualification of pipeline employees performing certain safety-related functions on pipelines subject to the pipeline safety regulations. The advisory committee is composed of persons who represent the interests that would be affected by the rule, such as gas pipeline operators, hazardous liquid and carbon dioxide pipeline operators, representatives of state and federal governments, labor organizations, and other interested parties.

DATES: The Committee will meet from 9:00am to 5:00pm on the following dates:

July 9–10, 1997—DOT Headquarters, Room 10234.

August 27–28, 1997—American Gas Association, Arlington, VA.

October 8–9, 1997—DOT Headquarters, Room 10234.

ADDRESSES: The July and October meetings will be held in Room 10234 at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW, Washington, DC. The August meeting will be held at the American Gas Association, 1515 Wilson Boulevard, 11th floor, in Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Eben M. Wyman, (202) 366–0918, regarding the subject matter of this Notice; or the Dockets Unit, (202) 366–4453, for copies of this document or other material in the docket.

Issued in Washington, DC on June 18, 1997.

Cesar De Leon,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 97–16405 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register

Vol. 62, No. 121

Tuesday, June 24, 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

Agriculture Marketing Service

[CN–97–004]

Cotton Research and Promotion Program: Determination of Whether To Conduct a Referendum Regarding 1990 Amendments to the Cotton Research and Promotion Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the Department's determination not to conduct a continuance referendum regarding the 1990 amendments to the Cotton Research and Promotion Act. This determination is based on the results of a sign-up period conducted January 15 through April 14, 1997, during which all persons paying assessments to this program were provided the opportunity to request a referendum.

FOR FURTHER INFORMATION CONTACT: Craig Shackelford, Chief, Research and Promotion Staff, Cotton Division, AMS, USDA, Stop 0224, 1400 Independence Avenue, SW, Washington, D.C. 20250–0224. Telephone (202) 720–2259, facsimile (202) 690–1718.

SUPPLEMENTARY INFORMATION: During the period January 15 through April 14, 1997, the Department, pursuant to Section 8(c)(1) of the Cotton Research and Promotion Act provided an opportunity, a sign-up period, for all eligible persons to request a continuance referendum on the 1990 Act amendments. Sign-up period results showed that a total of 1,223 valid requests were received by the Department from eligible persons in various states and from importers. The following table depicts the number of requests for a continuance referendum.

FSA state office	Sign up request
Alabama	5
Arizona	35
Arkansas	1
California	0
Florida	26
Georgia	52
Kansas	0
Kentucky	1
Louisiana	208
Mississippi	62
Missouri	7
New Mexico	24
North Carolina	145
Oklahoma	18
South Carolina	1
Tennessee	47
Texas	296
Virginia	44
Importers	251
Total	1,223

Section 8(c)(2) of the Cotton Research and Promotion Act (Act), provides that following a sign-up period, the Secretary shall conduct a referendum upon the request of 10 percent or more of the number of cotton producers and importers voting in the most recent referendum (1991). This would require 10 percent or 4,622 (46,220×.10=4,622) of the 46,220 valid ballots cast by cotton producers and importers in the July 1991 referendum. It is further provided that, in counting such requests not more than 20 percent may be from producers from any one state or importers of cotton.

The Department finds that the results of the sign-up period did not meet the criteria requiring a continuance referendum by the Cotton Research and Promotion Act. The Department bases this determination on the fact that the 1,223 requests received during the sign-up period, is less than the 4,622 required.

Background

On November 28, 1990, Congress, as part of the Food, Agriculture, Trade and Conservation Act of 1990, enacted amendments to the Cotton Research and Promotion Act. These amendments provided for: (1) importer representation on the Cotton Board by an appropriate number of persons to be determined by the Secretary who import cotton or cotton products into the U.S., and are selected by the Secretary from nominations submitted by importer organizations certified by the Secretary; (2) assessments levied on imported cotton and cotton products at a rate determined in the same manner as for U.S. cotton; (3) increase in the amount the Secretary can be reimbursed for conduct of a referendum from $200,000 to $300,000; (4) reimbursement of government agencies which assist in administering the collection of assessments on imported cotton and cotton products; and (5) termination of the right of producers to demand a refund of assessments.

In July 9, 1991, (56 FR 31289) the Agricultural Marketing Service (AMS) issued a proposal to amend the Cotton Research and Promotion Order. To determine if a majority, 50 percent or more, of producers and importers favored implementation of the proposed amendments to the Order, the Department conducted a referendum among persons who had been cotton producers or cotton importers during a representative period.

Results of the July 1991 referendum showed that of the 46,220 valid ballots received, 27,879 or 60 percent of the persons voting, 27,638 cotton producers and 241 importers, favored the amendments to the Order, and 18,341 or 40 percent, 17,957 cotton producers and 384 cotton importers, opposed the amendments to the Order.

Following the July 1991 referendum, AMS implemented the amendments. In addition to the previously discussed amendments to the Act and Order, the Department is required by Section 8(c)(1) to: (1) conduct a review once every 5 years after the anniversary date of the referendum implementing the 1990 Act amendments to determine whether a referendum is necessary and; (2) make public the results of such a review within 60 days after each fifth anniversary date of the 1991 implementing referendum. Should the review indicate that a referendum is needed, the Department is directed to conduct the referendum within 12 months after a public announcement of review results.

Should the review indicate that a referendum is not warranted, Section 8(c)(2) includes provisions for producers and importers to request a continuance referendum through a sign-up period.

Pursuant to the Act, on October 8, 1996, the Department announced its determination (61 FR 52772), based on a review report titled ''Cotton Research

and Promotion Five Year Review'', not to conduct a referendum on its own initiative among cotton producers and importers regarding the continuation of the 1990 Act amendments.

The report describes the impact of the Cotton Research and Promotion Program on the cotton industry and the views of those receiving its benefits. It states that the 1990 amendments to the Cotton Research and Promotion Act were successfully implemented and are operating as intended. The report also states that there is a general consensus within the cotton industry that the Cotton Research and Promotion Program in general, and the import assessment and the elimination of refunds in particular, are operating as intended. Based on the findings of the report, the Department found no compelling reason to conduct a referendum regarding the 1990 Act amendments, even though the report did recognize that some program participants were in favor of a referendum.

If the Secretary does not provide for such a referendum on the Secretary's own initiative, the Act provides that the Secretary shall conduct such a referendum upon the request of 10 percent or more of the number of cotton producers and importers voting in the most recent referendum. This would be accomplished through a sign-up period conducted by the Department. Determination of sign up eligibility and procedures for the conduct of the sign-up period were announced prior to the start of the sign-up period in the **Federal Register** (62 FR 1659).

With this announcement of the results of the sign-up, the Department has completed all requirements set forth in section 8(c) (1) and (2) regarding the review of the Cotton Research and Promotion Program to determine if a referendum is warranted. A referendum will not be conducted, and no further actions are planned in connection with this review.

Authority: 7 U.S.C. 2101–2118.

Dated: June 18, 1997.

D. Michael Holbrook,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 97–16413 Filed 6–23–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–054–1]

Availability of an Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the proposed release into the environment of nonindigenous wasps for use as biological control agents to suppress the Pink Hibiscus Mealybug. The environmental assessment provides a basis for our conclusion that the release into the environment of the biological control agents will not present a risk of introducing plant pests into the United States or disseminating plant pests within the United States and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Dale E. Meyerdirk, Senior Staff Officer, Pink Hibiscus Mealybug Program, PPQ, APHIS, 4700 River Road Unit 135, Riverdale, MD 20737–1236, (301) 734–5667. For copies of the environmental assessment and finding of no significant impact, write to Dr. Dale E. Meyerdirk at the same address. Please refer to the title of the environmental assessment when ordering copies.

SUPPLEMENTARY INFORMATION: As a part of a biological control project to suppress Pink Hibiscus Mealybug (PHM) (*Maconellicoccus hirsutus* [Green]) (Homoptera: Pseudococcidae), the Animal and Plant Health Inspection Service (APHIS) is proposing to release nonindigenous wasps in the genera *Anagyrus* and *Gyranusoidea* (Hymenoptera: Encyrtidae) in the continental United States and its Caribbean territories. PHM is currently established on the islands of St. Thomas and St. John in the U.S. Virgin Islands and on Puerto Rico. However, we anticipate that PHM will spread to other U.S. territories in the Caribbean and to the mainland United States. As PHM spreads, nonindigenous wasps in the genera *Anagyrus* and *Gyranusoidea* would be released in affected areas to suppress PHM. PHM is a devastating pest of cocoa, grapes, fiber crops, hibiscus, and many other field crops and ornamental plants. Wasps of the genus *Anagyrus* have controlled PHM in Egypt, India, and Hawaii, and wasps of the genus *Gyranusoidae,* closely related to *Anagyrus* wasps, offer similar potential as biological control agents for the suppression of PHM.

To provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing these biological control agents into the environment, we have prepared an environmental assessment and finding of no significant impact relative to the release into the environment of the following biological control agents:

Organisms	Title of environmental assessment	Date of finding of no significant impact
Anagyrus spp. and *Gyranusoidea* spp.	''Field Releases of Nonindigenous Species of *Anagyrus* and *Gyranusoidea* (Hymenoptera: Encyrtidae) for Biological Control of Pink Hibiscus Mealybug, *Maconellicoccus hirsutus* (Homoptera: Pseudococcidae)'' (June 1997).	5/30/97.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 18th day of June 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–16487 Filed 6–23–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

Agency Information Collection Activities: Proposed Collection; Comment Request Form FCS–42, Annual Report of the Nutrition Education and Training Program

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Service's (FCS) intention to request Office of Management and Budget (OMB) approval of the FCS–42, Annual Report for Nutrition Education and Training Program.

DATES: Written comments on this notice must be received on or before August 25, 1997.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Patricia N. Daniels, Chief, Nutrition Services and Education Branch, Nutrition and Technical Services Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION: Requests for additional information or copies of the proposed information form should be directed to Patricia N. Daniels (703) 305–2554.

SUPPLEMENTARY INFORMATION:

Title: Form FCS–42, Annual Report of the Nutrition Education and Training Program.

OMB Number: 0584–0062.

Expiration Date: 09/30/97.

Type of Request: Extension of a currently approved collection.

Abstract: Section 19(g)(2) of the Child Nutrition Act of 1966, as amended, requires that ''State educational agencies shall provide reports on expenditures of Federal funds, program participation, program cost, and related matters, in such form and at such times as the Secretary may prescribe.'' Section 227.30(f)(3) of the Nutrition Education and Training (NET) program regulations further require State agencies to submit to FCS an annual performance report. This information is captured on the FCS–42, Annual Report of the Nutrition and Education Training Program.

The information provided by the FCS–42 is used by the Department and the State agency to assess NET implementation status, monitor program accomplishments, and evaluate each State's progress in achieving the goals and objectives in the national strategic plan and the State agency implementation plan. Data from the FCS–42 is also entered into the Special Nutrition Programs Integrated Information System from which regional and national totals are derived.

Affected Public: State and territorial governments, FCS regional offices administering NET Program.

Estimated Number of Respondents: 56.

Estimated Time per Response: Twelve hours for reporting and 4 hours for recordkeeping for a total of 16 hours.

Estimated Total Annual Burden on Respondents: 896.

Dated: June 11, 1997.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 97–16488 Filed 6–23–97; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Municipal Interest Rates for the Third Quarter of 1997

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of municipal interest rates on advances from insured electric loans for the third quarter of 1997.

SUMMARY: The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the third calendar quarter of 1997.

DATES: These interest rates are effective for interest rate terms that commence during the period beginning July 1, 1997, and ending September 30, 1997.

FOR FURTHER INFORMATION CONTACT: Carolyn Dotson, Loan Funds Control Assistant, U.S. Department of Agriculture, Rural Utilities Service, Room 2234–S, Stop 1524, 1400 Independence Avenue, SW, Washington, DC 20250–1500. Telephone: 202–720–1928. FAX: 202–690–2268. E-mail: CDotson@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the third calendar quarter of 1997 for municipal rate electric loans. RUS regulations at 7 CFR 1714.4 state that each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. Pursuant to 7 CFR 1714.5, the interest rates on these advances are based on indexes published in the ''Bond Buyer'' for the four weeks prior to the first Friday of the last month before the beginning of the quarter. The rate for interest rate terms of 20 years or longer is the average of the 20 year rates published in the Bond Buyer in the four weeks specified in 7 CFR 1714.5(d). The rate for terms of less than 20 years is the average of the rates published in the Bond Buyer for the same four weeks in the table of ''Municipal Market Data—General Obligation Yields'' or the successor to this table. No interest rate may exceed the interest rate for Water and Waste Disposal loans.

In the past, both the published Municipal Market Data table and the table published by RUS have included a rate for each year up to 20 years. At the end of May 1997, however, the Bond Buyer changed the table of ''Municipal Market Data—General Obligation Yields.'' Instead of publishing a rate for each year, as was done in the past, the table now includes only rates for securities maturing in 1998 and at 5 year intervals thereafter.

Therefore, beginning with this Notice, the rates published by RUS will reflect the average rates for the years shown in the Municipal Market Data table in the Bond Buyer. Rates for interest rate terms ending in intervening years will be a linear interpolation based on the average of the rates published in the Bond Buyer. All rates will be adjusted to the nearest one eighth of one percent (0.125 percent) as required under 7 CFR

1714.5(a). The method for issuing rates for interest rate terms of 20 years or longer is unchanged. The market interest rate on Water and Waste Disposal loans for this quarter is 5.500 percent.

In accordance with 7 CFR 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the third calendar quarter of 1997.

Interest rate term ends in (year)	RUS rate (0.000 percent)
2018	5.500
2017	5.500
2016	5.500
2015	5.500
2014	5.375
2013	5.375
2012	5.375
2011	5.250
2010	5.250
2009	5.125
2008	5.000
2007	5.000
2006	4.875
2005	4.875
2004	4.750
2003	4.750
2002	4.625
2001	4.500
2000	4.250
1999	4.000
1998	3.875

Dated: June 17, 1997.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 97–16428 Filed 6–23–97; 8:45 am]

BILLING CODE 3410–15–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Monday, Tuesday, and Wednesday, July 7–9, 1997 at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, July 7, 1997

9:00 a.m.–5:30 p.m.—Committee of the Whole—ADAAG Revision (Closed Meeting).

Tuesday, July 8, 1997

9:00 a.m.–4:30 p.m.—Committee of the Whole—ADAAG Revision (Closed Meeting).

4:30 p.m.–5:30 p.m.—Planning and Budget Committee.

Wednesday, July 9, 1997

9:00 a.m.–10:00 a.m.—Committee of the Whole—Final Rule on Building Elements Designed for Children's Use (Closed Meeting).

10:00 a.m.–11:00 a.m.—Technical Programs Committee.

11:00 a.m.–Noon Long-Range Planning Group.

1:30 p.m.–2:30 p.m.—Executive Committee.

3:00 p.m.–5:00 p.m.—Board Meeting.

5:30 p.m.–7:30 p.m.—Play Area Committee Awards Ceremony.

ADDRESSES: The meetings will be held at: Westin Hotel, 1400 M Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, ext. 14 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items. Specific voting items are noted next to each committee report.

Open Meeting

- Executive Director's Report.
- Approval of the Minutes of the May 14, 1997 Board Meeting.
- Play Area Regulatory Negotiation Committee Report.
- Long-Range Planning Committee Report.
- Planning and Budget Committee Report—Fiscal Year 1997 Spending Plan Change.
- Technical Programs Committee Report.
- Executive Committee Report.

Closed Meeting

- Final Rule on Children's Elements.
- Committee of the Whole Report on ADAAG Revision.

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

James J. Raggio,

General Counsel.

[FR Doc. 97–16554 Filed 6–23–97; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

[A–583–824]

Polyvinyl Alcohol from Taiwan: Notice of Extension of Time Limit for New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 24, 1997.

FOR FURTHER INFORMATION CONTACT: Everett Kelly or Ellen Grebasch, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4194 or (202) 482–3773, respectively.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the new shipper review of the antidumping duty order on polyvinyl alcohol from Taiwan. The period of review is May 1, 1996 through October 31, 1996. This extension is made pursuant to the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (hereinafter, ''the Act'').

Postponement

On December 18, 1996, the Department initiated this new shipper review of the antidumping duty order on polyvinyl alcohol from Taiwan (61 FR 68237, December 28, 1996). The current deadline for the preliminary results is June 16, 1997. Under the Act, the Department may extend the deadline for completion of a new shipper review if it determines that the case is extraordinarily complicated. The Department finds that it is not practicable to complete the new shipper review of polyvinyl alcohol from Taiwan within this time limit due to the extraordinarily complicated nature of certain issues in this review which require further investigation. Among these issues is the question of respondent Perry Chemical Corporation's eligibility to be considered a new shipper.

In accordance with section 751(a)(2)(B)(iv) of the Act, the Department will extend the time for completion for the preliminary results of this new shipper review to October 14, 1997. Accordingly, we will issue the final results within 90 days after notice of the preliminary results is published in the **Federal Register**.

Dated: June 16, 1997.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–16411 Filed 6–23–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–429–601]

Notice To Correct Extension of Time Limit for Antidumping Duty Administrative Review of Solid Urea From the Former German Democratic Republic

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 24, 1997.

SUMMARY: The Department of Commerce (''the Department'') is correcting an extended time limit for the preliminary results of the antidumping administrative review of the antidumping order on Solid Urea from the Former German Democratic Republic.

FOR FURTHER INFORMATION CONTACT: Steven Presing, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–0194.

SUPPLEMENTARY INFORMATION: In its notice extending the time limit for the preliminary results of the antidumping administrative review of the antidumping order on Solid Urea from the Former German Democratic Republic, 62 FR 32296 (June 13, 1997), the Department erroneously indicated that the preliminary results of the review were due on July 2, 1997. In fact, as indicated in the Memorandum dated May 30, 1997 referenced in the notice, the due date for the preliminary results of the antidumping administrative review of the antidumping order on Solid Urea from the Former German Democratic Republic is June 25, 1997.

Therefore, the correct deadlines for this review are as follows:

Product	Country	Review period	Initiation date	Prelim. due date	FInal due date [1]
Solid Urea (A–429–601)	Germany ..	95/96	08/15/96	06/25/97	10/30/97

[1] The Department shall issue the final results 120 days after the publication of the preliminary results. This final due date is estimated based on publication of the preliminary notice five business days after signature.

Dated: June 18, 1997.

Roland L. MacDonald,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 97–16410 Filed 6–23–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–535–001]

Cotton Shop Towels From Pakistan; Termination of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of termination of countervailing duty administrative review.

SUMMARY: On April 24, 1997 (62 FR 19988), in response to a request from the respondents, the Department of Commerce (the Department) initiated an administrative review of the countervailing duty order on cotton shop towels from Pakistan. The review covers the period January 1, 1996 through December 31, 1996. In accordance with 19 CFR 355.22(a)(5), the Department is terminating this review because the respondents have withdrawn their request for review.

EFFECTIVE DATE: June 24, 1997.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Kelly Parkhill, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1997, the Department received a request for an administrative review of this countervailing duty order from the Government of Pakistan and the shop towel exporters of Pakistan, respondents, for the period January 1, 1996 through December 31, 1996. On April 24, 1997, the Department published in the **Federal Register** (62 FR 19988) a notice of ''Initiation of Countervailing Duty Administrative Review'' initiating the administrative review of respondents. On May 7, 1997, respondents withdrew their request for review.

The Department's regulations (19 CFR 355.22(a)(5)) stipulates that the Secretary may permit a party that requests a review to withdraw the request not later than 90 days after publication date for the initiation notice on the requested review. In this case, respondents have withdrawn their request for review within the 90-day period. No other interested party requested a review and we have received no other submissions regarding respondents' withdrawal of their request for review. Therefore, we are terminating this review of the countervailing duty order on cotton shop towels from Pakistan.

This notice is published in accordance with 19 CFR 355.22(a)(5).

Dated: June 13, 1997.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–16555 Filed 6–23–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Department of the Army

Exclusive License Announcement

AGENCY: U.S. Army Research Laboratory.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.7(a)(1)(i), announcement is made of prospective exclusive license of U.S. Patent 5,515,865, ''Sudden Infant Death Syndrome (SIDS) Monitor and Stimulator,'' and two related pending U.S. patent applications entitled, ''Acoustic Monitoring System'' and ''Motion and Sound Monitor and Stimulator'' for the purpose of manufacturing, using, and selling a product for monitoring the heartbeat and breathing of persons engaged in sports and fitness activities.

This invention is described as an acoustic sensor useful for monitoring heartbeat and breathing and other uses.

The two related U.S. patent applications concern this and other uses of this invention and some improvements thereto.

The right to these United States Patents and related Patent Applications are owned by the United States of America, as represented by the Secretary of the Army. Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and section 207 of title 35 United States Code, the Department of the Army, as represented by the U.S. Army Research Laboratory, intends to grant a limited term exclusive license of the above mentioned patent and applications to Personal Electronic Devices, Inc., Natick, Ma, for sports and fitness purposes.

FOR FURTHER INFORMATION CONTACT: Ms. Norma Vaught, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Adelphi, MD 20783–1197; tel: (301) 394–2952; fax: (301) 394–5815; e-mail: nvaught@arl.mil.

SUPPLEMENTARY INFORMATION: Pursuant to 37 CFR 404.7(a)(1)(i), any interested party may file written objections to this prospective exclusive license arrangement. Written objections should be directed to the above address on or before 60 days from the publication of this notice.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 97–16481 Filed 6–23–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice—Computer matching between the Department of Education and the Department of Justice.

SUMMARY: Section 5301(a)(1) of the Anti-Drug Abuse Act of 1988 (now designated as section 421(a)(1) of the Controlled Substances Act (21 U.S.C. 862(a)(1)) includes provisions regarding the judicial denial of Federal benefits. Section 5301 authorizes Federal and State judges to deny certain Federal benefits (including student financial assistance under Title IV of the Higher Education Act of 1965, as amended) to individuals convicted of drug trafficking or possession.

In order to ensure that Title IV student financial assistance is not awarded to individuals subject to denial of benefits under court orders issued pursuant to section 5301, the Department of Justice and the Department of Education implemented a computer matching program. The current computer matching agreement expires on July 1, 1997. The Department of Education must continue to obtain from the Department of Justice identifying information regarding individuals who are the subject of section 5301 denial of benefits court orders. The purpose of this notice is to announce the continued operation of the computer matching program and to provide certain required information concerning the computer matching program.

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (see 54 FR 25818, June 19, 1989), and OMB Bulletin 89–22, the following information is provided:

1. Names of Participating Agencies

The Department of Education (ED) and the Department of Justice (DOJ).

2. Purpose of the Match

This matching program is designed to assist ED in enforcing the sanctions imposed under section 5301 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690).

3. Authority for Conducting the Matching Program

Under section 5301 of the Anti-Drug Abuse Act of 1988, as amended (21 U.S.C. 862), ED must deny Federal benefits to any individual upon whom a Federal or State court order has imposed a penalty denying eligibility for those benefits. Student financial assistance under Title IV of the Higher Education Act of 1965, as amended (HEA) is a Federal benefit under section 5301 and ED must, in order to meet its obligations under the HEA, have access to information about individuals who have been declared ineligible under section 5301.

The President's Denial of Federal Benefits

Section 5301 and the Procedures for Implementation of section 5301 (Pub. L. 100–690), transmitted to the Congress on August 30, 1989, direct DOJ to act as an information clearinghouse for Federal agencies. While DOJ provides information about section 5301 individuals who are ineligible for Federal benefits to the General Services Administration (GSA) for inclusion in GSA's List of Parties Excluded from Federal Procurement and Nonprocurement Programs, DOJ and ED have determined that matching against the DOJ data base is more efficient and effective than access to the GSA List. The DOJ data base has specific information about the Title IV, HEA programs for which individuals are ineligible and has more complete identifying information about those individuals than does the GSA List. Both of these elements are essential for a successful match.

4. Categories of Records and Individuals Covered

A. Department of Education Records

Federal Student Aid Application File (18–40–0014): Composed of records of students applying for Federal student financial assistance under Title IV of the HEA. The social security number and the first two letters of an applicant's last name will be used by ED for the match.

B. Department of Justice Records

Denial of Federal Benefits Clearinghouse System (DEBAR) (OJP–0013): Contains the names, social security numbers, dates of birth, and other identifying information regarding individuals convicted of Federal or State offenses involving drug trafficking or possession of a controlled substance who have been denied Federal benefits by Federal or State courts. This system of records also contains information concerning the specific program or programs for which benefits have been denied. DOJ will make available for the matching program the records of only those individuals who have been denied Federal benefits under one or more of the Title IV, HEA programs.

5. Effective Dates of the Matching Program

The matching program will become effective 40 days after a copy of the computer matching agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and OMB or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in 5 U.S.C. 522a(o)(2)(D) have been met.

6. Address for Receipt of Public Comments or Inquiries

Ms. Edith Bell, Program Specialist, Policy Development Division, U.S. Department of Education, 600 Independence Avenue SW, (Room 3053, ROB–3), Washington, DC 20202.

Telephone: (202) 708–8242. 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.

Dated: June 6, 1997.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 97–16472 Filed 6–23–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Rheem (Case No. F–089)]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Rheem Manufacturing Company

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F–089) granting a Waiver to Rheem Manufacturing Company (Rheem) from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Rheem's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its GFD upflow residential, modulating type, gas-fired furnaces.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–9138, or Mr. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585–0103, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(j), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Rheem has been granted a Waiver for its GFD upflow residential, modulating type, gas-fired furnaces permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on June 13, 1997.

Joseph J. Romm,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

Rheem (Case No. F–089).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, Public Law 94–163, 89 Stat. 917, as amended (EPCA), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Rheem filed a ''Petition for Waiver,'' dated January 29, 1997, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the **Federal Register** on April 4, 1997, Rheem's Petition and solicited comments, data, and information respecting the Petition. 62 FR 16146, April 4, 1997. Rheem also filed an ''Application for Interim Waiver'' under section 430.27(b)(2), which DOE granted on March 31, 1997. 62 FR 16146, April 4, 1997.

No comments were received concerning either the ''Petition for Waiver'' or the ''Application for Interim Waiver.'' The Department consulted with the Federal Trade Commission (FTC) concerning the Rheem Petition. The FTC did not have any objections to the issuance of the waiver to Rheem.

The Department on February 28, 1997, issued the Final Rule on test procedures for furnaces/boilers, vented home heating equipment, and pool heaters. 62 FR 26140, May 12, 1997. This Final Rule incorporates test procedure Waivers granted to different manufacturers for air circulation blower delay time at start-up for furnaces with unvarying control on blower delay time. This Waiver granted to Rheem expires on November 10, 1997, the date when the final test procedure rule becomes effective, resolving the issue necessitating this Waiver.

Assertions and Determinations

Rheem's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Rheem requests the allowance to test using a 20-second blower time delay when testing its GFD upflow residential, modulating type, gas-fired furnaces. Rheem states that since the 20-second delay is indicative of how these models actually operate, and since such a delay results in an average of approximately 2.0 percent increase in AFUE, the Petition should be granted.

Under specific circumstances, the DOE test procedure contains exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Rheem indicates that it is unable to take advantage of any of these exceptions for its GFD upflow residential, modulating type, gas-fired furnaces.

Since the blower controls incorporated on the Rheem furnaces are designed to impose a 20-second blower delay in every instance of start up, and since the current test procedure provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 20-second blower time delay when testing the Rheem GFD upflow residential, modulating type, gas-fired furnaces. Accordingly, with regard to testing the GFD upflow residential, modulating type, gas-fired furnaces, today's Decision and Order exempts Rheem from the existing test procedure provisions regarding blower controls

and allows testing with the 20-second delay.

It is, therefore, ordered that:

(1) The ''Petition for Waiver'' filed by Rheem Manufacturing Company (Case No. F–089) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Rheem shall be permitted to test its GFD upflow residential, modulating type, gas-fired furnaces on the basis of the test procedure specified in 10 CFR Part 430, with modifications set forth below:

(I) Section 3.0 of Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAM Standard 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to Appendix N as follows:

3.10 Gas-and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAM Standard 103–82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Rheem shall comply in all respects with the test procedures specified in Appendix N of 10 CFR Part 430, Subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until November 10, 1997, the date when the Department's final test procedure appropriate to the GFD upflow residential, modulating type, gas-fired furnaces manufactured by Rheem goes into effect.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

(5) Effective 6–13–97, this Waiver supersedes the Interim Waiver granted Rheem on March 31, 1997. 62 FR 16146, April 4, 1997 (Case No. F–089).

Issued in Washington, DC, on June 13, 1997.

Joseph J. Romm,

Acting Assistant Secretary,

Energy Efficiency and Renewable Energy.

[FR Doc. 97–16383 Filed 6–23–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–020]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 18, 1997.

Take notice that on June 13, 1997, Columbia Gas Transmission Corporation (Columbia) tendered for filing with the Commission the following revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

To Be Effective June 1, 1997

Sixth Revised Sheet No. 262
Fifth Revised Sheet No. 483
Fourth Revised Sheet No. 484

To Be Effective February 1, 1997

Fourth Revised Sheet No. 405
Third Revised Sheet No. 406

Columbia is making the instant filing to correct the title of Section 46 of the General Terms and Conditions of its FERC Gas Tariff. The title was incorrectly set forth in Columbia's May 30, 1997 tariff filing made to effectuate revisions to its tariff approved by the Commission by order issued April 17, 1997, as part of a comprehensive settlement in Docket Nos. RP95–408, et al. (''Settlement''). Columbia has made no change to the substantive provisions of Section 46, from that shown in the May 30, 1997 filing. In addition, Columbia states that the effective dates appearing on the bottom of the tariff sheets in the May 30, 1997 filing were transposed between the two sets. Specifically,

Columbia states that Sheet Nos. 405 and 406 showed an effective date of June 1, 1997, when they should have shown an effective date of February 1, 1997 and that Sheet Nos. 483 and 484 showed an effective date of February 1, 1997, when they should have shown an effective date of June 1, 1997. Columbia states that it has corrected this transposition error to make the sheets conform to the Settlement.

Columbia states further that it has served the filing to its customers, affected state regulatory commissions, and to the parties in the proceeding.

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 Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16443 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–396–000]

Columbia Gulf Transmission Company; Notice of Filing of Report on Calculations of Excess Revenues

June 18, 1997.

Take notice that on June 13, 1997, Columbia Gulf Transmission Company (Columbia Gulf), field its Calculations of Excess Revenues.

Columbia Gulf States that prior to May 1, 1997, in accordance with the Former Section 34 (Crediting of Excess Revenues) of the General Terms and Conditions (GTC) of Columbia Gulf's FERC Gas Tariff, Second Revised Volume No. 1, Columbia Gulf was required to calculate revenues applicable to Rate Schedules ITS–1 and

ITS–2 at the earlier of the end of each 12-month period such rates were in effect, or as of the date such rates were superseded by subsequent rate proceeding.

On October 31, 1996, Columbia Gulf filed a general NGA Section 4(e) rate proceeding in Docket No. RP97–52, proposing termination of Excess Revenues crediting and deletion of Section 34 of the GTC. By order dated November 27, 1996, the Commission allowed Columbia Gulf to terminate GTC Section 34 effective May 1, 1997. See Columbia Gulf Transmission Co., 77 FERC ¶ 61,255 (1996).

In order to complete the elimination of the ITS revenue crediting provision, Columbia Gulf must calculate all Excess Revenues attributable to the period November 1, 1995 through April 30, 1997. Consistent with the former GTC Section 34 and the approved settlement in Columbia Gulf's last rate case in Docket No. RP96–219 (See Stipulation, Art. I, Section E(2)), the revenues generated were not sufficient to result in any Excess Revenues for crediting.

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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 25, 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. A copy of this report is on file with the Commission and is available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16455 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–564–000]

Florida Gas Transmission Company; Notice of Request Under Blanket Authorization

June 18, 1997.

Take notice that on June 9, 1997, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in the above docket, a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, and 157.212) for authorization to construct and operate a new deliver point in Dade County, Florida, under FGT's blanket authority issued in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

FGT asserts that Florida Transport 82 (Florida 82) requested that FGT construct a new delivery point, to which FGT will transport gas on a self-implemented basis pursuant to Subpart G of Part 284 of the Commission's Regulations. FGT proposes to construct, operate and own a new delivery point at or near mile post 6.8 on its existing 8-inch Rinker Lateral line which will include a tap, electronic flow measurement equipment, a meter station, and any other related appurtenant facilities necessary for FGT to deliver gas up to a maximum 500 MMBTu per day and up to 182,500 MMBtu per year to Florida 82. FGT states that the proposed request will not have any impact on FGT's peak day delivery, however, annual deliveries could be affected, up to 182,500 MMBtu.

FGT states that Florida 82 has elected to reimburse FGT for the costs and expenses directly or indirectly incurred by FGT relating to the proposed construction in lieu of customer ownership. The estimated total cost of the proposed construction is $79,000 and includes federal income tax gross-up.

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. 97–16436 Filed 6–23–97; 8:45am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–297–001]

Florida Gas Transmission Company; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Florida Gas Transmission Company (FGT) tendered for filing certain information related to the recovery of transition costs and proposed refunds of overcollections to its shippers.

FGT states that on March 24, 1997, it made two filings with respect to its transition cost recovery mechanism set forth in Section 24 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1. Specifically, in Docket No. RP97–297–000, FGT requested waiver of its tariff provisions and submitted an out-of-cycle TCR report (Out-of-Cycle Report) which reflected actual recoveries through February 28, 1997, with projections for the months of March and April, 1997. The Out-of-Cycle Report projected that FGT's Order 636 Account balance would be fully recovered during March, 1997 and that its TCR Account balance would be fully recovered during April, 1997.

Accordingly, in Docket No. RP97–296–000, FGT filed tariff sheets to suspend its TCR and 636 Reservation Charges and TCR Usage Surcharge (Suspension Filing) effective May 1, 1997. Both filings included the provisions that FGT would file a supplemental report no later than June 15, 1997 to reflect actual recoveries for the months of March and April, 1997 and to set forth its proposal to refund any overcollections that would occur during April, 1997.

On April 30, 1997, the Commission issued an order (''April 30 order'') accepting the tariff sheets filed in the Suspension Filing. The April 30 Order also accepted the Out-of-Cycle Report, subject to: (1) the filing of the supplemental report described above no later than June 15, 1997, and (2) the outcome of another TCR proceeding in Docket No. RP97–56 currently pending before the Commission. The instant filing is being made in compliance with the first condition of the April 30 Order.

FGT states that its Order 636 Account balance was, in fact, fully recovered during March, 1997 and that its TCR Account balance was fully recovered during April, 1997 with an overrecovery (including carrying charges) of $1,315,938.36 resulting as of April 30, 1997. FGT proposes to allocate this refund obligation on a pro rata basis based on actual recoveries from FGT's shippers during the month of April, 1997, the month in which the overrecovery occurred, and to make such refunds within thirty (30) days of a final Commission order accepting this filing, with carrying charges calculated through the refund date.

Florida Gas states that copies of the report were mailed to all customers serviced under the rate schedules affected by the report and the interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16447 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT97–32–000]

Kern River Gas Transmission Co.; Notice of Refund Report

June 18, 1997.

Take notice that on June 13, 1997, Kern River Gas Transmission (Kern River) tendered for filing with the Commission a refund report in compliance with the Commission's February 12, 1995 Order Approving Refund Methodology for 1994 Overcollections in Docket No. RP95–124–000 (70 FERC ¶61,205).

Kern River states that on May 30, 1997, it received a $965,893 refund from the Gas Research Institute (GRI) for the overcollection of the 1996 GRI Tier 1 funding target level set for Kern River by GRI.

Kern River also states that, in its May 1997 invoices, it refunded this amount to its eligible firm shippers who received nondiscounted service during 1996.

Any person desiring to be heard or protest this 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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 25, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16439 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–364–001]

Koch Gateway Pipeline Company; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, First Volume No. 1, the following tariff sheets, to become effective June 1, 1997:

Third Revised Sheet No. 802
Third Revised Sheet No. 804
Fifth Revised Sheet No. 1801
Fourth Revised Sheet No. 1802
Fourth Revised Sheet No. 1804
Substitute Third Revised Sheet No. 4102
First Revised Sheet No. 4202
Substitute Third Revised Sheet No. 4302
Substitute Third Revised Sheet No. 4402
Substitute Second Revised Sheet No. 4502

Koch asserts that the purpose of this filing is to comply with the Office of Pipeline Regulation's Letter Order issued May 29, 1997, in Docket No. RP97–364–000. Koch has made minor changes and clarifications to its tariff that the Commission has requested.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's rules and regulations. All such protests must be filed as provided by Section 154.210 of the Commission's rules and regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16456 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3123–000]

Midwest Energy, Inc.; Notice of Filing

June 16, 1997.

Take notice that on May 30, 1997, Midwest Energy, Inc. (Midwest) tendered for filing with the Federal Energy Regulatory Commission the Service Agreement for Non-Firm Point-to-Point Transmission Service entered into between Midwest and Aquila Power Corporation.

Midwest states that it is serving copies of the instant filing to its customers, State Commissions and other interested parties.

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 NE., Washington, DC 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 June 30, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the 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. 97–16542 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–361–001]

Mobile Bay Pipeline Company; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Mobile Bay Pipeline Company (Mobile Bay) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed below, to become effective June 1, 1997:

Second Revised Sheet No. 81
Second Revised Sheet No. 82
Second Revised Sheet No. 129
Second Revised Sheet No. 130
Second Revised Sheet No. 132
Substitute First Revised Sheet No. 134
Third Revised Sheet No. 135
First Revised Sheet No. 208
Second Revised Sheet No. 351
Second Revised Sheet No. 359

Mobile Bay asserts that the purpose of this filing is to comply with the Office of Pipeline Regulation's Letter Order issued May 29, 1997, in Docket No. RP97–361–000. Mobile Bay has incorporated provisions for an AutoComfirm agreement with its shippers; the remainder of the sheets contain minor clarifications and pagination changes.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's rules and regulations. All such protests must be filed as provided by Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16454 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–315–001]

Northwest Pipeline Corporation; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective June 1, 1997:

Sub Eleventh Revised Sheet No. 5
Sub Fifth Revised Sheet No. 6
Sub Sixth Revised Sheet No. 7
Sub Tenth Revised Sheet No. 8
Sub Fifth Revised Sheet No. 8.1
Sub Original Sheet No. 202–C
Sub Original Sheet No. 232–H
Sub Original Sheet No. 232–J

Northwest states that this filing is submitted in compliance with the Commission's May 29, 1997 Order in Docket No. RP97–315 (79 FERC ¶ 61,259). Northwest states that it has made revisions to its pooling service provisions and that it has clarified that daily rates are computed on the basis of 365 days per year, except that rates for leap years are computed on the basis of 366 days.

Northwest further states that a copy of this filing has been served upon all intervenors in Docket No. RP97–315.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16448 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–357–001]

Ozark Gas Transmission System; Notice of Proposed Changes in FERC Gas Tariff

June 18, 1997.

Take notice that on June 13, 1997, Ozark Gas Transmission System (Ozark) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective November 1, 1997:

Substitute Third Revised Sheet No. 1
Substitute Third Revised Sheet No. 35
Substitute Third Revised Sheet No. 39
Substitute Second Revised Sheet No. 40
Substitute Original Sheet No. 159
Substitute Original Sheet No. 160
Substitute Original Sheet No. 161
First Revised Sheet No. 162
Substitute Original Sheet No. 163
Substitute Original Sheet No. 164
Substitute Original Sheet No. 165
Substitute Original Sheet No. 166
Substitute Original Sheet No. 167
Substitute Original Sheet No. 168
Substitute Original Sheet No. 169
First Revised Sheet No. 170
Substitute Original Sheet No. 171
Substitute Original Sheet No. 172

Ozark states that the revised tariff sheets remove the provision allowing Ozark to be reimbursed by the pooling and title transfer customers for all fees in seeking governmental authorization for service under Rate Schedules SPS, DPS and TTS, in accordance with the Commission's letter order issued May 29, 1997 in the above-referenced docket. Ozark's filing also changes the effective dates of the revised and substitute tariff sheets to November 1, 1997, in accordance with the Commission's May 30, 1997 order in Docket No. RP97–179.

Ozark states that copies of this filing are being served on all parties to this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are

available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16452 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT97–33–000]

Questar Pipeline Company; Notice of Refund Report

June 18, 1997.

Take notice that on June 16, 1997, Questar Pipeline Company (Questar) tendered for filing with the Federal Energy Regulatory Commission a Gas Research Institute (GRI) Tier 1 Refund Report in compliance with the Commission's February 22, 1995 Order Approving Refund Methodology for 1994 Overcollection, in Docket No. RP95–124–000 (February 22 Order).

Questar states that on June 2, 1997, it received a $387,267 refund from GRI, representing an overcollection of the 1996 GRI Tier 1 funding target level set for Questar by GRI. On June 13, 1997, in compliance with the February 22 Order, Questar states that it sent the GRI Tier 1 refund, pro rata, to its eligible firm customers who received transportation service during 1996. Questar further states that in compliance with the February 22 Order the GRI refund was exclusive of interest.

Questar further states that a copy of the refund report has been served upon its eligible transportation customers who received a refund and the Public Service Commission of Utah and the Wyoming Public Service Commission.

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 Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 25, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16442 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3083–000]

South Carolina Electric & Gas Company; Notice of Filing

June 17, 1997.

Take notice that on May 27, 1997, South Carolina Electric & Gas Company (SCE&G) submitted a service agreement establishing North Carolina Electric Membership Corporation (NCEMC) as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements. Copies of this filing were served upon NCEMC and the South Carolina Public Service Commission.

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 June 27, 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. 97–16543 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3119–000]

Southern Company Services, Inc., Notice of Filing

June 16, 1997.

Take notice that on May 30, 1997, Southern Company Services, Inc., acting on behalf of Gulf Power Company filed a Service Agreement by and among itself, as agent for Gulf Power Company, Gulf Power Company and the City of Blountstown, Florida, pursuant to which Gulf Power Company will make wholesale power sales to the City of Blountstown, Florida for a term in excess of one (1) year.

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, NE., Washington, DC 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 June 30, 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. 97–16540 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3120–000]

Southern Company Services, Inc.; Notice of Filing

June 16, 1997.

Take notice that on May 30, 1997, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed a service agreement for network integration transmission service between SCS, as agent for Southern Companies, and Southern Wholesale Energy, a Department of SCS, as agent for Gulf Power Company, under Part III of the Open Access Transmission Tariff of Southern Companies.

Any person desiring to be heard or to protest such 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 June 30, 1997. Protests will be considered by the Commission to 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.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16541 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–359–001]

Texas Eastern Transmission Corporation; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing additional information regarding Texas Eastern's proposed net present value (NPV) capacity allocation methodology filed in Docket No. RP97–359–000 on May 1, 1997.

Texas Eastern asserts that the purpose of this filing is to comply with the Commission's ''Order Accepting and Suspending Tariff Sheets Subject to Refund and conditions,'' issued May 29, 1997 in docket No. RP97–359–000. Texas Eastern states that it proposes to modify its proposal as reflected in pro forma tariff sheets attached to the filing. Texas Eastern requests that upon consideration of the additional information the Commission rule that the proposed tariff sheets, as modified, may be placed into effect without refund condition.

Texas Eastern states that copies of this filing were served on firm customers of Texas Eastern, interested State commissions, current interruptible customers and all parties on the service list.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16453 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–344–001]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 18, 1997.

Take notice that on June 13, 1997, Texas Gas Transmission Corporation (Texas Gas) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, and Original Volume No. 2, the following revised tariff sheets to become effective June 1, 1997:

FERC Gas Tariff, First Revised Volume No. 1

Substitute Twenty-second Revised Sheet No. 10
Substitute Fifth Revised Sheet No. 10A
Substitute Nineteenth Revised Sheet No. 11
Substitute Sixth Revised Sheet No. 11B
Substitute Twenty-third Revised Sheet No. 12
Substitute Sixth Revised Sheet No. 15
Substitute Seventh Revised Sheet No. 16
Substitute Sixth Revised Sheet No. 17

FPC Gas Tariff, Original Volume No. 2

Substitute Twenty-fourth Revised Sheet No. 1005

Texas Gas states that the filing is in compliance with the Commission's May 29, 1997, Order in the instant docket which directs Texas Gas to file revenue and throughput projections and cost allocations for proposed new Rate Schedules PAL and EFT.

Texas Gas states that copies of the revised tariff sheets are being mailed to all parties listed on the official service list in Docket No. RP97–344.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 88 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16450 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–164–003]

Texas-Ohio Pipeline, Inc.; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Texas-Ohio Pipeline, Inc. (Texas-Ohio), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the substitute revised tariff sheets listed in Appendix A to the filing, to be effective June 1, 1997.

Texas-Ohio states that the purpose of this filing is to comply with the Commission Letter Order dated May 29, 1997 issued in this proceeding.

Texas-Ohio further states that copies of this filing have been served on Texas-Ohio's historic customers and public bodies.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16446 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–341–001]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 18, 1997.

Take notice on June 13, 1997, Transcontinental Gas Pipe Line

Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed below. These tariff sheets are proposed to be effective June 1, 1997 and August 1, 1997, respectively.

Substitute Sixth Revised Sheet No. 336
Pro Forma Sub 7th Revised Sheet No. 336

Transco states that the purpose of the instant filing is to comply with the Commission's order issued May 29, 1997 in the referenced docket (May 29, Order). The May 29 Order accepted certain tariff sheets to be effective June 1, 1997 and directed Transco to file, within 15 days of such order, revised tariff sheets to provide a fall-back provision in Transco's tariff in the event of the failure of electronic communication equipment. In compliance with the Commission's May 29 Order, Transco states it has revised Section 28.1 of its General Terms and Conditions to allow for written nominations in the event of a failure of electronic communication equipment.

Transco states that it is serving copies of the instant filing to customers, State Commissions and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16449 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–163–003]

WestGas InterState Inc.; Notice of Proposed Changes in FERC Gas Tariff

June 18, 1997.

Take notice that on June 13, 1997. WestGas InterState, Inc. (WGI), tendered for filing to become part of its FERC Gas Tariff First Revised Volume No. 1, the revised tariff sheets listed on Appendix A to the filing, to be effective June 1, 1997.

WGI states the tariff sheets are filed in compliance with Order No. 587 and the order issued May 29, 1997 in Docket No. RP97–163–001.

WGI further states that copies of this filing have been served on WGI's jurisdictional customers and public bodies.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16445 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–571–000]

Williams Natural Gas Company; Notice of Request Under Blanket Authorization

June 18, 1997.

Take notice that on June 11, 1971, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP97–571–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to relocate and replace the Geneseo town border meter setting and appurtenant facilities, located in Ellsworth County, Kansas, under William's blanket certificate issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williams states that the projected volume of delivery through the relocated facilities would remain unchanged. It is said that the total project cost is estimated to be $24,998.

Williams states further that this change is not prohibited by an existing tariff and that it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other 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 Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If not protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16437 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–577–000]

Williams Natural Gas Company; Notice of Request Under Blanket Authorization

June 18, 1997.

Take notice that on June 12, 1997, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP97–577–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon by reclaim facilities originally installed for the receipt of transportation gas from PetroCorp, Inc. (PetroCorp) and Western Gas Resources, Inc. (WGR) in Alfalfa County, Oklahoma, and from Anadarko Petroleum Corporation (Anadarko) in Garvin County, Oklahoma, under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG states that PetroCorp, WGR and Anadarko have all agreed to the reclaim of the facilities. The total cost to reclaim the facilities is estimated to be

approximately $9,312. WNG does not consider any of these reclaimed facilities as operating units.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16438 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–148–003]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the revised tariff sheets listed on Appendix A to the filing, to become effective June 1, 1997.

Williston Basin states that the revised tariff sheets reflect modifications to Williston Basin's FERC Gas Tariff in compliance with the Commission's ''Order Accepting Tariff Sheets Subject to Conditions, and Rejecting Other Tariff Sheets'' issued May 29, 1997 in Docket No. RP97–148–002.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16444 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–352–002]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

June 18, 1997.

Take notice that on June 13, 1997, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective June 1, 1997:

Substitute Second Revised Sheet No. 505
Substitute Third Revised Sheet No. 555
Substitute Second Revised Sheet No. 605

Williston Basin states that the revised tariff sheets reflect the removal of certain tariff language in compliance with the Commission's ''Order Accepting Tariff Sheets Subject to Conditions, and Rejecting Other Tariff Sheets'' issued May 29, 1997 in Docket No. RP97–148–002.

Any person desiring to protect said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16451 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1068–001, et al.]

Commonwealth Electric Co., et al.; Electric Rate and Corporate Regulation Filings

June 16, 1997.

Take notice that the following filings have been made with the Commission:

1. Commonwealth Electric Company

[Docket No. ER97–1068–001]

Take notice that on March 30, 1997, Commonwealth Electric Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Southwestern Public Service Company

[Docket No. ER97–2111–000]

Take notice that on May 1, 1997, Southwestern Public Service Company tendered for filing an amendment in the above-referenced docket.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Illinois Power Company

[Docket No. ER97–2674–000]

Take notice that on May 29, 1997, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing an amendment to its Power Sales Tariff.

Illinois Power has requested an effective date of May 29, 1997.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. The Alternative Current Power Group

[Docket No. ER97–2867–000]

Take notice that on June 2, 1997, The Alternative Current Power Group tendered for filing an amendment in the above-referenced docket.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Zond Minnesota Development Corp. II

[Docket No. ER97–2904–000]

Take notice that on May 30, 1997, Zond Minnesota Development Corp. II tendered for filing a notice of withdrawal of its request for privileged treatment in its initial filing.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Central Hudson Gas & Electric Corporation

[Docket No. ER97–2963–000]

Take notice that Central Hudson Gas & Electric Corporation (CHG&E), on May 9, 1997, tendered for filing a Service Agreement between CHG&E and Pennsylvania Power & Light Company. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Central Hudson Gas & Electric Corporation

[Docket No. ER97–2964–000]

Take notice that Central Hudson Gas & Electric Corporation (CHG&E), on May 9, 1997, tendered for filing a Service Agreement between CHG&E and Engage Energy US, L.P. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Central Hudson Gas & Electric Corporation

[Docket No. ER97–2965–000]

Take notice that Central Hudson Gas & Electric Corporation (CHG&E), on May 9, 1997, tendered for filing a Service Agreement between CHG&E and PacifiCorp Power Marketing, Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95–8–000 and RM94–7–001. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. South Carolina Electric & Gas Company

[Docket No. ER97–3084–000]

Take notice that on May 27, 1997, South Carolina Electric & Gas Company (SCE&G) submitted a service agreement establishing Southern Company Services, Inc. (SCS) as a customer under the terms of SCE&G's Open Access Transmission Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements. Copies of this filing were served upon SCS and the South Carolina Public Service Commission.

Comment date: June 27, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Arizona Public Service Company

[Docket No. ER97–3100–000]

Take notice that on May 29, 1997, Arizona Public Service Company (APS), tendered for filing Service Agreement to provide Non-Firm Point-to-Point Transmission Service under APS Open Access Transmission Tariff with Vastar Power Marketing, Inc. (Vastar).

A copy of this filing has been served on Vastar and the Arizona Corporation Commission.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. The Dayton Power and Light Company

[Docket No. ER97–3101–000]

Take notice that on May 29, 1997, The Dayton Power and Light Company (Dayton) submitted service agreements establishing Sonat Power Marketing L.P., the Detroit Edison Company, MidCon Power Services Corporation as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon Sonat Power Marketing L.P., The Detroit Edison Company, MidCon Power Services Corporation, and the Public Utilities Commission of Ohio.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota Company)

[Docket No. ER97–3103–000]

Take notice that on May 29, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing two Firm Point-to-Point Transmission Service Agreements between NSP and New Ulm Public Utilities Commission.

NSP requests that the Commission accept the agreement effective May 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota Company)

[Docket No. ER97–3102–000]

Take notice that on May 29, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Firm Point-to-Point Transmission Service Agreement between NSP and Sleepy Eye Public Utilities Commission.

NSP requests that the Commission accept the agreement effective May 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Golden Spread Electric Coop., Inc.

[Docket No. ER97–3104–000]

Take notice that on May 29, 1997, Golden Spread Electric Cooperative, Inc. (Golden Spread), tendered for filing proposed changes in its FERC Rate Schedules. Golden Spread is filing Revised Rate Schedules to amend the commitment levels of various delivery points and to add a new delivery point to the list of existing delivery points at which Golden Spread currently provides full requirements service to South Plains Electric Cooperative, Inc. (South Plains).

South Plains has requested and Golden Spread has agreed to provide, service to the new delivery point in order that South Plains may better serve its customers' needs. Had the new delivery point not been added, South Plains would have had to serve the loads off existing delivery points at greater expense and with greater losses.

Copies of the filing were served upon the Public Utility Commission of Texas, Southwestern Public Service Company, and South Plains Electric Cooperative, Inc.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. The Dayton Power and Light Company

[Docket No. ER97–3105–000]

Take notice that on May 29, 1997, The Dayton Power and Light Company (Dayton) submitted service agreements establishing The Detroit Edison Company, PacifiCorp Power Marketing, Inc., The Utility-Trade Corp. as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of the filing were served upon The Detroit Edison Company, PacifiCorp Power Marketing, Inc., The Utility-Trade Corp. and the Public Utilities Commission of Ohio.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Golden Spread Electric Coop., Inc.

[Docket No. ER97–3106–000]

Take notice that on May 29, 1997, Golden Spread Electric Cooperative, Inc. (Golden Spread), tendered for filing proposed changes in its FERC Rate Schedules. Golden Spread is filing Revised Rate Schedules to relocate a delivery point at which Golden Spread currently provides full requirements service to Rita Blanca Electric Cooperative, Inc. (Rita Blanca).

The new delivery point replaces an existing delivery point that was relocated to accommodate a highway expansion. This addition causes no changes in revenue and is being provided at Rita Blanca's request for its benefit. As part of the new delivery point, Southwestern Public Service Company (Southwestern) proposes to charge Golden Spread $60,000 for transmission switches, which will be passed through to Rita Blanca.

Copies of the filing were served upon the Public Utility Commission of Texas, Southwestern Public Service Company, and Rita Blanca Electric Cooperative, Inc.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Cleveland Electric Illuminating Company and The Toledo Edison Company

[Docket No. ER97–3107–000]

Take notice that on May 29, 1997, the Centerior Service Company as Agent for The Cleveland Electric Illuminating Company and The Toledo Edison Company filed Service Agreements to provide Non-Firm Point-to-Point Transmission Service for PECO Energy Company—Power Team, the Transmission Customer. Services are being provided under the Centerior Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–204–000. The proposed effective date under the Service Agreement is April 30, 1997.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Boston Edison Company

[Docket No. ER97–3108–000]

Take notice that on May 29, 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 Coastal Electric Services (Coastal). Boston Edison requests that the Service Agreement become effective as of May 1, 1997.

Edison states that it has served a copy of this filing on Coastal and the Massachusetts Department of Public Utilities.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Entergy Services, Inc.

[Docket No. ER97–3110–000]

Take notice that on May 29, 1997, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Firm Point-To-Point Transmission Service Agreement between Entergy Services, as agent for the Entergy Operating Companies, and Central and South West Services, Inc. (CSW), acting as agent for Southwestern Electric Power Company.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. CL Power Sales Eight, L.L.C.

[Docket No. ER97–3112–000]

Take notice that on May 29, 1997, pursuant to 18 CFR 35.15(a), CL Power Sales Eight, L.L.C. (CL Eight) filed a notice of cancellation of the Amended and Restated Power Purchase Agreement (PPA) between Northeast Empire Limited Partnership #2 (NELP#2) and Central Maine Power Company. On May 27, 1997, NELP#2 filed with the Commission an application pursuant to Section 203 of the Federal Power Act asking the Commission to approve the transfer of the PPA from NELP#2 to CL Eight. CL Eight asks that the cancellation be made effective June 25, 1997 (or the date thereafter upon which the PPA is transferred to CL Eight).

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Texas Utilities Electric Company

[Docket No. ER97–3113–000]

Take notice that on May 29, 1997, Texas Utilities Electric Company (TU Electric) tendered for filing a revised tariff to provide open-access, non-discriminatory wholesale transmission service to, from and over certain HVDC Interconnections (TFO Tariff) to supersede TU Electric's current FERC Electric Tariff, Second Revised Volume No. 1. TU Electric has requested a waiver to permit the TFO Tariff to become effective as of January 1, 1997.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Entergy Services, Inc.

[Docket No. ER97–3114–000]

Take notice that on May 29, 1997, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., has filed the Fifth Amendment (Amendment) to the Power Coordination, Interchange and Transmission Agreement (PCITA) between Entergy Arkansas, Inc. and the City of Osceola, Arkansas. Entergy Services states that the Amendment adds an additional delivery point between Entergy Arkansas, Inc. and the City of Osceola, Arkansas.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Entergy Services, Inc.

[Docket No. ER97–3115–000]

Take notice that on May 29, 1997, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., has filed the Twenty-Sixth Amendment (Amendment) to the

Power Coordination, Interchange and Transmission Agreement (PCITA) between Entergy Arkansas, Inc. and the Arkansas Electric Cooperative Corporation. Entergy Services states that the Amendment changes the delivery points and the capacity made available at each delivery point between Entergy Arkansas, Inc. and the Arkansas Electric Cooperative Corporation.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Central Illinois Public Service Company

[Docket No. ER97–3116–000]

Take notice that on May 30, 1997, Central Illinois Public Service Company (CIPS) submitted a service agreement, dated May 22, 1997, establishing CIPS Generation Resources as a customer under the terms of CIPS' Open Access Transmission Tariff.

CIPS requests an effective date of May 22, 1997 for the service agreement. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon the Illinois Commerce Commission.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Golden Spread Electric Coop., Inc.

[Docket No. ER97–3117–000]

Take notice that Golden Spread Electric Cooperative, Inc. (Golden Spread), on May 30, 1997, tendered for filing proposed changes in its FERC Rate Schedules. Golden Spread is filing Revised Rate Schedules to amend the commitment levels of various delivery points and to add two new delivery points, Delivery Point No. 20 and No. 21, to the list of existing delivery points at which Golden Spread currently provides full requirements service to Deaf Smith Electric Cooperative, Inc. (Deaf Smith).

Deaf Smith has requested and Golden Spread has agreed to provide, service to the new delivery point in order that Deaf Smith may better serve its customers' needs. Had the new delivery point not been added, Deaf Smith would have had to serve the loads off existing delivery points at greater expense and with greater losses.

Copies of the filing were served upon the Public Utility Commission of Texas, Southwestern Public Service Company, and Deaf Smith Electric Cooperative, Inc.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Central Illinois Public Service Company

[Docket No. ER97–3118–000]

Take notice that on May 30, 1997, Central Illinois Public Service Company (CIPS) submitted an umbrella short-term firm transmission service agreement, dated June 1, 1997, establishing Wisconsin Power & Light Company as a customer under the terms of CIPS' Open Access Transmission Tariff.

CIPS requests an effective date of June 1, 1997 for the service agreement with Wisconsin Power & Light Company. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served on Wisconsin Power & Light Company and the Illinois Commerce Commission.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Soyland Power Cooperative, Inc.

[Docket No. ER97–3121–000]

Take notice that on May 30, 1997, Soyland Power Cooperative, Inc. (Soyland) tendered for filing a Service Agreement between Soyland and Corn Belt Electric Cooperative Inc. (Corn Belt). The filing constitutes a rate decrease filing for service to Corn Belt. Soyland seeks an effective date of June 1, 1997, and waiver of the Commission's sixty-day prior notice requirement.

A copy of the filing was served upon Corn Belt Electric Cooperative Inc.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. Midwest Energy, Inc.

[Docket No. ER97–3122–000]

Take Notice that on May 30, 1997, Midwest Energy, Inc. (Midwest) tendered for filing with the Federal Energy Regulatory Commission the Service Agreement for Non-Firm Point-to-Point Transmission Service entered into between Midwest and Sunflower Electric Corp.

Midwest states that it is serving copies of the instant filing to its customers, State Commissions and other interested parties.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. The United Illuminating Company

[Docket No. ER97–3124–000]

Take notice that on May 30, 1997, The United Illuminating Company (UI) tendered for filing for informational purposes all individual Purchase Agreements and Supplements to Purchase Agreements executed under UI's Wholesale Electric Sales Tariff, FERC Electric Tariff, Original Volume No. 2, as amended, during the six-month period November 1, 1996 through April 30, 1997.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. UtiliCorp United Inc.

[Docket No. ER97–3125–000]

Take notice that on May 30, 1997, UtiliCorp United Inc. (UtiliCorp) tendered for filing, on behalf of its WestPlains operating division, Contract No. 97–RMR–945 between UtiliCorp United and United States Department of Energy Western Area Power Administration Rocky Mountain Region Loveland Area Projects for Energy Displacement Agreement. UtiliCorp requests waiver of the Commission's regulations to permit the agreement to become effective on June 1, 1997.

Comment date: June 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Cinergy Services, Inc.

[Docket No. ER97–3126–000]

Take notice that Cinergy Services, Inc. (Cinergy), on May 30, 1997, tendered for filing on behalf of its operating company, The Cincinnati Gas & Electric Company (CG&E), Supplement No. 12 to the Interconnection Agreement between CG&E and East Kentucky Power Cooperative, Inc. (East Kentucky).

Cinergy and East Kentucky have requested an effective date of June 1, 1997.

Copies of the filing were served on East Kentucky and the Kentucky Public Service Commission.

Comment date: June 30, 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. 97–16538 Filed 6–23–97; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5846–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Information Collection Request for the 1997 State Source Water Assessment and Protection Programs Guidance

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): The 1997 State Source Water Assessment and Protection Programs Guidance, EPA ICR# 1816.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 25, 1997.

ADDRESSES: Office of Ground Water and Drinking Water, MC 4606. U.S. EPA 401 M. St., SW. Washington D.C. 20460. Interested persons may obtain a copy by requesting EPA ICR# 1816.01.

FOR FURTHER INFORMATION CONTACT: Andrea Karpoff: 202–260–1899; FAX: (202) 260–0732; E-mail: korpoff.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected Entities: Entities affected by this action are States exercising primary enforcement responsibility for public water systems.

Title: The 1997 State Source Water Assessment and Protection Programs Guidance, EPA ICR# 1816.01.

Section 1453 of the Safe Drinking Water Acts Amendments of 1996 authorizes State Source Water Assessment Programs (SWAPs) to achieve or maintain compliance with SDWA requirements and to protect public health.

Abstract: Section 1453(a)(3) of the Safe Drinking Water Act requires States to submit a Source Water Assessment Program within 18 months after the guidance is issued, on or before August 6, 1997. These SWAPs describe the process by which a State delineates source Water Protection Areas, conducts contamination source inventories and susceptibility analyses, and indicates whether or not it plans to implement a Source Water Protection Program. A State must develop a SWAP with public participation.

Once a State program is approved by EPA, the State has two years to complete the source water assessments for the public water systems within their borders. Section 1453 (a)(4) allows a State to request an extension of up to 18 months to complete the assessments. The extension request must indicate the reason a State requires additional time and must include a description of how and when the State will complete the assessment within the requested extension period. The request must also include information on the progress in implementing the assessments by the end of the first 18 months.

An agency may not conduct or sponsor, and a person is not required to respond to, an information collection request unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, 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.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 2115 hours per State response. The annual cost burden is estimated to average $70,000.00 per State response. These burden estimates are for both the SWAP proposal and for requested time extensions by States for completion of the assessments. The estimates are based on estimates by four States of differing size populations and geographic location across the nation's regions. These States also vary by administrative structure for the Source Water Assessment and Protection Programs. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collection, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 49 States.

Estimated Number of Respondents: 49 States.

Frequency of Response for each Individual Information Request: Once.

Estimated Total Annual Hour Burden: 103,635 hours.

Estimated Total Annual Cost Burden: $3,433,136.

Dated: June 12, 1997.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 97–16513 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5846–1]

Acid Rain Program: Draft Permits and Permit Modifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft permits and permit modifications.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is issuing for comment draft Phase I Acid Rain permits and permit modifications including nitrogen oxides (NO_X) compliance plans in accordance with the Acid Rain Program regulations (40 CFR parts 72 and 76). Because the Agency does not anticipate receiving adverse comments, the permits and permit modifications are also being issued as a direct final action in the notice of permits and permit

modifications published elsewhere in today's **Federal Register**.

DATES: Comments on the draft permits and permit modifications must be received no later than July 24, 1997 or 30 days after the date of publication of a similar document in a local newspaper, whichever is later.

ADDRESSES: *Administrative Records.* The administrative record for the permits, except information protected as confidential, may be viewed during normal operating hours at the following locations: for plants in Pennsylvania, Virginia, and West Virginia, EPA Region 3, 841 Chestnut Building, Philadelphia, PA, 19107; for plants in Indiana and Ohio, EPA Region 5, 77 West Jackson Blvd., Chicago, IL, 60604; for plants in Oklahoma and Texas, EPA Region 6, 1445 Ross Ave., Dallas TX, 75202; for plants in Arizona and Nevada, EPA Region 9, 75 Hawthorne St. (A–3–1), San Francisco, CA, 94105.

Comments. Send comments, requests for public hearings, and requests to receive notices of future actions to: for plants in Pennsylvania, Virginia and West Virginia, EPA Region 3, Air, Radiation, and Toxics Division, Attn: Linda Miller (address above); for plants in Indiana and Ohio, EPA Region 5, Air and Radiation Division, Attn: Cecilia Mijares (address above); for plants in Oklahoma and Texas, EPA Region 6, Compliance Assurance and Enforcement Division, Attn: Joseph Winkler (address above); for plants in Arizona and Nevada, Air and Toxics Division, Attn: Roger Kohn, (address above). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of all units in the plan. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the permit or the permit modification.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting a NO_X compliance plan.

FOR FURTHER INFORMATION CONTACT: For plants in Pennsylvania, Virginia, and West Virginia, call Linda Miller (215) 566–2068; for plants in Indiana and Ohio, call Cecilia Mijares (312) 886–0968; for plants in Oklahoma and Texas, call Joseph Winkler, (214) 665-7243; for plants in Arizona and Nevada, call Roger Kohn, (415) 744–1238.

SUPPLEMENTARY INFORMATION: If no significant, adverse comments are timely received, no further activity is contemplated in relation to these draft permits and draft permit modifications and the permits and permit modifications issued as a direct final action in the notice of permits and permit modifications published elsewhere in today's **Federal Register** will automatically become final on the date specified in that document. If significant, adverse comments are timely received on any permit or permit modification, that permit or permit modification in the notice of permits and permit modifications will be withdrawn and public comment received on that permit or permit modification based on this notice of draft permits and permit modifications will be addressed in a subseqent notice of permit or permit modification. Because the Agency will not institute a second comment period on this notice of draft permits and permit modifications, any parties interested in commenting should do so during this comment period.

For further information and a detailed description of the permits and permit modifications, see the information provided in the notice of permits and permit modifications elsewhere in today's **Federal Register**.

Dated: June 17, 1997.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 97–16514 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5846–2]

Acid Rain Program: Permits and Permit Modifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of permits and permit modifications.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is issuing, as a direct final action, Phase I Acid Rain permits and permit modifications including nitrogen oxides (NO_X) compliance plans in accordance with the Acid Rain Program regulations (40 CFR parts 72 and 76). Because the Agency does not anticipate receiving adverse comments, the exemptions are being issued as a direct final action.

DATES: The permits and permit modifications issued in this direct final action will be final on August 4, 1997 or 40 days after publication of a similar document in a local publication, whichever is later, unless significant, adverse comments are received by July 24, 1997 or 30 days after publication of a similar document in a local publication, whichever is later. If significant, adverse comments are timely received on any permit or permit modification in this direct final action, that permit or permit modification will be withdrawn through a document in the **Federal Register**.

ADDRESSES: *Administrative Records.* The administrative record for the permits, except information protected as confidential, may be viewed during normal operating hours at the following locations: for plants in Pennsylvania, Virginia, and West Virginia, EPA Region 3, 841 Chestnut Building, Philadelphia, PA, 19107; for plants in Indiana and Ohio, EPA Region 5, 77 West Jackson Blvd., Chicago, IL, 60604; for plants in Oklahoma and Texas, EPA Region 6, 1445 Ross Ave., Dallas TX, 75202; for plants in Arizona and Nevada, EPA Region 9, 75 Hawthorne St. (A–3–1), San Francisco, CA, 94105.

Comments. Send comments, requests for public hearings, and requests to receive notice of future actions to: for plants in Pennsylvania, Virginia and West Virginia, EPA Region 3, Air, Radiation, and Toxics Division, Attn: Linda Miller (address above); for plants in Indiana and Ohio, EPA Region 5, Air and Radiation Division, Attn: Cecilia Mijares (address above); for plants in Oklahoma and Texas, EPA Region 6, Compliance Assurance and Enforcement Division, Attn: Joseph Winkler (address above); for plants in Arizona and Nevada, Air and Toxics Division, Attn: Roger Kohn, (address above). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of all units in the plan. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the permit or the permit modification.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting a NO_X compliance plan.

FOR FURTHER INFORMATION CONTACT: For plants in Pennsylvania, Virginia, and

West Virginia, call Linda Miller (215) 566–2068; for plants in Indiana and Ohio, call Cecilia Mijares (312) 886–0968; for plants in Oklahoma and Texas, call Joseph Winkler, (214) 665–7243; for plants in Arizona and Nevada, call Roger Kohn, (415) 744–1238.

SUPPLEMENTARY INFORMATION: Title IV of the Clean Air Act directs EPA to establish a program to reduce the adverse effects of acidic deposition by promulgating rules and issuing permits to emission sources subject to the program. In today's action, EPA is issuing permits and permit modifications that include approval of early election plans for NO_x. The units that are included in the early election plans will be required to meet an actual annual average emissions rate for NO_x of either 0.45 lbs/MMBtu for tangentially-fired boilers or 0.50 lbs/MMBtu for dry bottom wall-fired boilers beginning on January 1, 1997 through December 31, 2007, after which they will be required to meet the applicable emissions limitation under 40 CFR 76.7(a) of 0.40 lbs/MMBtu for tangentially-fired boilers or 0.46 lbs/MMBtu for dry bottom wall-fired boilers. The following is a list of units included in the permits or permit modifications and the limits that they are required to meet:

Titus units 1, 2, and 3 in Pennsylvania: 0.45 lbs/mmBtu. The designated representative is Ronald Lantzy.

Bruce Mansfield unit 3 in Pennsylvania: 0.50 lbs/mmBtu. The designated representative is Howard Couch, Jr.

New Castle units 3, 4, and 5 in Pennsylvania: 0.50 lbs/mmBtu. The designated representative is Howard Couch, Jr.

Cromby unit 1 in Pennsylvania: 0.50 lbs/mmBtu. The designated representative is Thomas Chaykun.

Eddystone units 1 and 2 in Pennsylvania: 0.45 lbs/mmBtu. The designated representative is Lloyd Yates.

Homer City units 1, 2, and 3 in Pennsylvania: 0.50 lbs/mmBtu. The designated representative is Ronald Lantzy.

Keystone units 1 and 2 in Pennsylvania: 0.45 lbs/mmBtu. The designated representative is Ronald Lantzy.

Montour units 1 and 2 in Pennsylvania: 0.45 lbs/mmBtu. The designated representative is Robert Shovlin.

Glen Lyn units 51 and 52 in Virginia: 0.45 lbs/mmBtu. The designated representative is John McManus.

Potomac River units 1, 2, 3, 4, and 5 in Virginia: 0.45 lbs/mmBtu. The designated representative is James Potts.

Bremo Bluff unit 3 in Virgina: 0.50 lbs/mmBtu. The designated representative is W. Robert Cartwright.

Chesapeake units 1, 2, and 4 in Virginia: 0.45 lbs/mmBtu. The designated representative is W. Robert Cartwright.

Chesterfield units 3, 4, and 5 in Virginia: 0.45 lbs/mmBtu. The designated representative is W. Robert Cartwright.

Possum Point unit 3 in Virginia: 0.45 lbs/mmBtu. The designated representative is W. Robert Cartwright.

Yorktown units 1 and 2 in Virginia: 0.45 lbs/mmBtu. The designated representative is W. Robert Cartwright.

Mountaineer unit 1 in West Virginia: 0.50 lbs/mmBtu. The designated representative is John McManus.

Rockport units MB1 and MB2 in Indiana: 0.50 lbs/mmBtu. The designated representative is John McManus.

Dean H Mitchell units U4, U5, U6, and U11 in Indiana: 0.45 lbs/mmBtu for units U6 and U11 and 0.50 lbs/mmBtu for units U4 and U5. The designated representative is Patrick Mulchay.

Whitewater Valley units 1 and 2 in Indiana: 0.45 lbs/mmBtu. The designated representative is Irving Huffman.

Conesville units 5 and 6 in Ohio: 0.45 lbs/mmBtu. The designated representative is John McManus.

Northeastern units 3313 and 3314 in Oklahoma: 0.45 lbs/mmBtu. The designated representative is E. Michael Williams.

J T Deely units 1 and 2 in Texas: 0.45 lbs/mmBtu. The designated representative is Cynthia Levesque.

Apache units 2 and 3 in Arizona: 0.50 lbs/mmBtu. The designated representative is Charles Davis, Jr.

Cholla units 1, 2, 3, and 4 in Arizona: 0.45 lbs/mmBtu. The designated representative is John Denman.

Coronado units 1 and 2 in Arizona: 0.50 lbs/mmBtu. The designated representative is Nils Larson.

Navajo units 1, 2, and 3 in Arizona: 0.45 lbs/mmBtu. The designated representative is Nils Larson.

Springerville units 1 and 2 in Arizona: 0.45 lbs/mmBtu. The designated representative is Cosimo DeMasi.

Reid Gardner unit 4 in Nevada: 0.50 lbs/mmBtu. The designated representative is Dennis Schwehr.

North Valmy units 1 and 2 in Nevada: 0.50 lbs/mmBtu. The designated representative is Gerald Canning.

Mohave units 1 and 2 in Nevada: 0.45 lbs/mmBtu. The designated representative is John Fielder.

Dated: June 17, 1997.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 97–16515 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5846–3]

Science Advisory Board; Notification of Public Advisory Committee Meetings

July 1997.

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that several committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All meetings are open to the public. Due to limited space, seating at meetings will be on a first-come, first-served basis. For further information concerning specific meetings, please contact the individuals listed below. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are *not* available from the SAB Office.

1. Integrated Risk Project Multi-Stressor Work Group

The Multi-Stressor Work Group of the SAB's Integrated Risk Project (IRP) will meet on July 7–8, 1997, in the Palau Room on the first floor of EPA Region IX Offices, 75 Hawthorne Street, San Francisco, CA 94105. The meeting will begin at 8:30 am Pacific Time on July 7 and at 8 am Pacific Time on July 8, and end no later than 5:30 pm Pacific Time on both days. The purpose of the meeting is to develop a methodology for considering more than one stressor (e.g., chemical pollutant) at a time when estimating the impact of one risk reduction option over another (e.g., incineration vs. landfilling). The Multi-Stressor Work Group (MSWG) was established at the request of the Chair of the IRP Steering Committee to work on this task, and the results of the MSWG meeting will be considered by the Steering Committee at its meeting on July 9–11, 1997 (see below for details of that meeting).

The specific charge to the MSWG and the agenda for the meeting are available from the Office of the Science Advisory Board and on the SAB's website (www.epa.gov/sab).

For Further Information: Any member of the public wishing further information concerning the meeting or

who wishes to submit comments should contact Stephanie Sanzone, Acting Designated Federal Official for the MSWG, no later than 4:00pm Eastern Time on July 2, 1997, at Science Advisory Board (1400), U.S. EPA, Washington, DC 20460, phone (202) 260-6557; fax (202) 260–7118; or via the Internet at: Sanzone.Stephanie@epamail.epa.gov. Copies of the draft meeting agenda can be obtained by contacting Ms. Wanda Fields at (202) 260–8414 or via the Internet at: Fields.Wanda@epamail.epa.gov.

2. Integrated Risk Project Steering Committee

The Integrated Risk Project (IRP) Steering Committee, an *ad hoc* committee established by the Executive Committee of the Science Advisory Board, will meet on July 9–11, 1997, at the Ramada Hotel Olde Towne, 901 N. Fairfax Street, Alexandria, VA, telephone (703) 683–6000. The meeting will begin at 1:30 pm eastern time on July 9, and at 8 am on July 10 and 11, and end no later than 5:30 pm each day. Seating will be limited and available on a first-come, first-served basis. The purpose of the meeting is to review and revise a draft report, being developed as part of the Integrated Risk Project, describing an integrated model for decision-making that incorporates information on risks to ecosystems and humans, risk reduction options, and their economic and societal implications.

Background on the Integrated Risk Project (IRP): In a letter dated October 25, 1995, to Dr. Matanoski, Chair of the SAB Executive Committee, Deputy Administrator Fred Hansen charged the SAB to: (a) develop an updated ranking of the relative risk of different environmental problems based upon explicit scientific criteria; (b) provide an assessment of techniques and criteria that could be used to discriminate among emerging environmental risks and identify those that merit serious, near-term Agency attention; (c) assess the potential for risk reduction and propose alternative technical risk reduction strategies for the environmental problems identified; and d) identify the uncertainties and data quality issues associated with the relative rankings. The project is being conducted by several SAB panels, working at the direction of an ad hoc Steering Committee established by the Executive Committee.

Single copies of Reducing Risk, the report of the previous relative risk ranking effort of the SAB, can be obtained by contacting the SAB's Committee Evaluation and Support Staff (1400), 401 M Street, SW, Washington, DC 20460, telephone (202) 260-8414, or fax (202) 260–1889. Members of the public desiring additional information about the meeting, including an agenda, should contact Ms. Wanda Fields, Staff Secretary, Committee Operations Staff, Science Advisory Board (1400), US EPA, 401 M Street, SW, Washington DC 20460, by telephone at (202) 260–8414, fax at (202) 260–7118, or via the Internet at: Fields.Wanda@epamail.epa.gov.

Anyone wishing to make a brief oral presentation at the IRP meeting must contact Ms. Stephanie Sanzone, Designated Federal Official for the Steering Committee no later than 4 pm on July 2, 1997, at fax: (202) 260–7118 or via the Internet at sanzone.stephanie@epamail.epa.gov. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 35 copies of any written comments to the Committee are to be given to Ms. Sanzone no later than the time of the presentation for distribution to the Committee and the interested public. For further information, you may also reach Ms. Sanzone by phone on (202) 260–6557. See below for additional information on providing comments to the SAB.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. For conference call meetings, opportunities for oral comment will be limited to no more than five minutes per speaker and no more than fifteen minutestotal. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Information concerning the Science Advisory Board, its structure, function, and composition, may be found in The FY1996 Annual Report of the Staff Director which is available from the SAB Committee Evaluation and Support Staff (CESS) by contacting US EPA, Science Advisory Board (1400), Attention: CESS, 401 M Street, SW, Washington, DC 20460 or via fax (202) 260–1889. Additional information concerning the SAB can be found on the SAB Home Page at: http://www.epa.gov/sab.

Dated: June 16, 1997.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 97–16516 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 232–011521–003.

Title: Hanjin/Tricon Far East Services Slot Charter Agreement.

Parties: Hanjin Shipping Co., Ltd. (''HJS''), Cho Yang Shipping Co., Ltd. (''CYL'').

Synopsis: The proposed modification renames the parties' current China America Express (''CAX'') Service as CAX–I, adds an additional service between ports in the Far East and US West Coast ports (''CAX–II''), and renames the parties' Pendulum Service (''PDM'') as the PN–PDM Service. The modification also increases the number of container slots chartered in the PN–PDM Service and establishes the maximum number of container slots available under CAX–II.

Agreement No.: 217–011548–001.

Title: Hanjin/Sinotrans Slot Charter Agreement.

Parties: Hanjin Shipping Co., Ltd. (''HJS''), China National Foreign Trade Transportation Corp. (''Sinotrans'').

Synopsis: The proposed modification adds Japan to the geographic scope, establishes an additional service that will call at US West Coast ports (''CAX–II'') and renames the current US West Coast service (''CAX–I''). The modification also updates the number of container slots available to Sinotrans under CAX–I and specifies the maximum number of container slots available under CAX–II.

Agreement No.: 217–011581.

Title: The DSEN/POL Agreement.

Parties: DSR-Senator Lines (''DSEN'') POL-Atlantic (''POL'')

Synopsis: The proposed Agreement would permit DSEN to charter space to POL aboard its vessels in the trade between United States ports, and inland and coastal points via such ports, and ports in Europe in the Bayonne, France/North Cape, Norway Range (excluding Mediterranean and non-Baltic Russian ports), and inland points in Europe via such non-excluded ports.

By Order of the Federal Maritime Commission.

Dated: June 18, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–16426 Filed 6–23–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 9, 1997.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Leon A. Greenblatt, III, Chicago, Illinois; to acquire an additional .20 percent, for a total of 5.14 percent, and Chiplease, Inc., Chicago, Illinois, to acquire an additional .22 percent, for a total of 5.27 percent, of the voting shares of Home Financial Bancorp, Spencer, Indiana, and thereby indirectly acquire Owen Community Bank, S.B., Spencer, Indiana.

Board of Governors of the Federal Reserve System, June 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–16493 Filed 6–23–97; 8:45 am]

BILLING CODE 6210–01–F

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. The application also will 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 July 18, 1997.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Century South Banks, Inc., Dahlonega, Georgia; to merge with Bank Corporation of Georgia, Macon, Georgia, and thereby indirectly acquire First South Banks, N.A., Macon, Georgia, and AmeriBank, N.A., Savannah, Georgia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Banterra Corp, Eldorado, Illinois; to acquire 5.39 percent of the voting shares of 1st Bancorp Vienna, Inc., Vienna, Illinois, and thereby indirectly acquire First State Bank of Vienna, Vienna, Illinois.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Pioneer Bancshares, Inc., ESOP, Ponca City, Oklahoma; to acquire 45 percent of the voting shares of Pioneer Bancshares, Inc., Ponca City, Oklahoma and thereby indirectly acquire Bank & Trust, Ponca City, Oklahoma; Bancshares of Nichols Hills, Inc., Oklahoma City, Oklahoma; and thereby indirectly acquire Bank of Nichols Hills, Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, June 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–16492 Filed 6–23–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Consumer Advisory Council; Notice of Meeting

The Consumer Advisory Council will meet on Thursday, July 17. The meeting, which will be open to public observation, will take place at the Federal Reserve Board's offices in Washington, D.C., in Terrace Room E of the Martin Building. The meeting will begin at 9:00 a.m. and is expected to continue until 4:00 p.m., with a lunch break from 1:00 p.m. until 2:00 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

Home Ownership Equity Protection Act. The Consumer Credit Committee will discuss issues raised at recent public hearings on the adequacy of Truth in Lending's home equity lending rules. The Board held hearings in Los Angeles, Atlanta, and Washington, D.C. in June concerning the home-equity credit market targeted by the Act, in which it sought the views of creditors, consumer representatives, and other interested parties.

CRA Implementation and Service Test Issues. The Bank Regulation Committee will continue its review of large-bank Community Reinvestment Act examination issues. The focus of the discussion will be on the new lending and service tests for large banks and any potential impact on community investments, banking services, and the types of funded community projects.

Treasury's ''EFT '99''. The Depository and Delivery Systems Committee will explore issues that may fall under the domain of the Board's responsibilities as government, industry, and others work to build an infrastructure to deliver all

federal payments electronically by January 1, 1999.

Effect of Appraisals on Community Development. The Community Affairs and Housing Committee will present a report on their review of the effect of appraisals on community development lending.

Governor's Report. Presentation by Federal Reserve Board Member Laurence H. Meyer on economic conditions, recent Board initiatives, and issues of concern, with an opportunity for questions from Council members.

Committee Reports. Committees will report on their work.

Open Forum-Emerging Issues. Presentation of Council members' views on emerging issues or trends in consumer financial services that may have potential impact on the Board's role in providing consumer protection.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Deanna Aday-Keller, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Information about this meeting may be obtained from Ms. Aday-Keller, 202-452-6470. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, 202-452-3544.

Board of Governors of the Federal Reserve System, June 19, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–16557 Filed 6–23–97; 8:45am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 noon, Monday, June 30, 1997.

PLACE: Marriner S. Eccles, Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 20, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–16698 Filed 6–20–97; 3:41 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–97–14]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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 shall 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 for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

1. Health Hazard Evaluations/ Technical Assistance and Emerging Problems (0920–0260)—Extension—In accordance with its mandates under the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health (NIOSH) responds each year to approximately 400 requests for health hazard evaluations to identify potential chemical, biological, or physical hazards at the workplace. Approximately half of these requests require that NIOSH conduct a ''short-term'' field study to adequately address the issues raised by the requestor. Since 1970, more than 10,000 of these studies have been completed. The main purpose of these studies is to help employers and employees identify and eliminate occupational health hazards. Ninety-five percent of these investigations respond to specific requests for assistance from employers, employees, employee representatives, or other government agencies. The remaining investigations are short-term field investigations initiated by NIOSH because it received information that a chemical, biological, or a physical agent may be hazardous to workers. In these studies, NIOSH determines whether they warrant more detailed studies. Approximately 50% of the field investigations involve interviews or the administration of a questionnaire to the workers. Each questionnaire is specific to that worksite and its suspected diseases and/or hazards; however, questionnaires are derived from standard medical evaluation techniques. NIOSH distributes interim and final reports of the investigations, excluding personal identifiers, to requesters, employers, employee representatives, the Department of Labor (OSHA and MSHA), and, as appropriate, other state and federal agencies. Following the completion of field investigations, NIOSH plans to administer telephone follow-back questionnaires to employer and employee representatives at each site to assess program effectiveness and identify areas for improvement. Because of the large volume of investigations conducted each year, the need to quickly respond to requests for assistance, and the diverse nature of these investigations, NIOSH requests clearance for data collection in these investigations. The total estimated annual cost to respondents is $40,950.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Employees (initial interviews)	4,200	1	.25	1,050
Employees (questionnaires, interviews)	5,250	1	.50	2,625
Employees (follow-back questionnaires)	420	1	.5	210
Employers (follow-back questionnaires)	420	1	.5	210
Total				4,095

Dated: June 18, 1997.

Wilma G. Johnson,

Acting Associate Director for Policy Planning And Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–16476 Filed 6–23–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 772]

Hepatitis B Vaccination Evaluation Project in Vietnamese-American Children

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds in fiscal year (FY) 1997 for a cooperative agreement program to evaluate feasible methods of providing hepatitis B vaccine to children 3–16 years of age in the Vietnamese-American population in the United States.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the Section **Where to Obtain Additional Information**.)

Authority

This program is authorized under section 317 [42 U.S.C. 247b], of the Public Health Service Act, as amended.

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and State governments and their agencies.

Note: An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible to receive Federal funds constituting an award, grant, contract, loan, or any other form.

Eligible applicants may enter into contractual agreements, as necessary, to meet the requirements of the program and to strengthen the overall application. The intent to use such mechanisms must be stated in the application and the nature and scope of work of these mechanisms require the approval of CDC.

Awardee(s) must maintain the primary responsibility for conduct of the cooperative agreement. The awardee, as the direct and primary recipient of Federal funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Applicants must justify the need to use a contractor. If contractors are proposed, the following must be provided: (1) Name of the contractor, (2) method of selection, (3) period of performance, (4) detailed budget, (5) justification for use of contractor, and (6) assurance of non-conflict of interest.

Availability of Funds

Approximately $220,000 will be available in FY 1997 (for both direct and indirect costs) to fund one award. It is expected that the award will begin on or about September 30, 1997, for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of the following criteria:

1. Satisfactory progress in meeting program objectives.
2. Extent to which the continuation year objectives are realistic, specific, and measurable.
3. Extent to which proposed changes in program objectives, methods of operation, staff or contractor(s), or evaluation procedures will facilitate achievement of project goals.
4. Extent to which budget changes or requests are clearly justified and consistent with the intended use of cooperative agreement funds.
5. The availability of funds.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 HHS Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. This new law, Section 503 of Pub. L. No. 104–208, provides as follows:

> Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.
>
> (b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to

any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996).

Background

Each year the hepatitis B virus (HBV) infects at least 150,000 individuals in the United States and about 5,000 people die of the effects of chronic HBV infection. The risk of HBV infection and death in the Vietnamese community within the U.S. is about 10 times greater than for the remainder of the U.S. population. The full implementation of routine infant hepatitis B vaccination will eventually eliminate HBV transmission. However, a minimum of 20 years would be required to completely vaccinate all children by vaccinating infants alone. With the addition of recommendations for vaccination of adolescents by the age 11–12 years, at the current projected rate of less than one birth cohort per year, it will take at least 10 years to provide vaccine to all children. HBV transmission to unvaccinated children could be prevented by conducting ''catch-up'' hepatitis B vaccination programs in the children of first generation immigrants from countries of high or intermediate HBV endemicity. Vietnam is one of the countries with the highest endemicity levels where life-time risks of HBV infection in the unvaccinated approach 100 percent.

Vietnamese are the fastest-growing Asian-Pacific Islander ethnic group in the United States. Bureau of Census projections for 1997 indicate that there are 848,600 Vietnamese in the U.S. representing 8.4 percent of the total Asian and Pacific Islander American (APIA) population and the largest South East Asian group in this country. Large groups of Vietnamese live in major urban clusters throughout the U.S., primarily in California, Texas, the metropolitan Washington, DC area, Washington State and Louisiana. The community infrastructure in these metropolitan areas is well established with Vietnamese specific television, radio, and print media markets. More than 88 percent of Vietnamese are foreign-born and 82 percent of those over 5 years of age speak Vietnamese at home.

The prevalence of chronic HBV infection is high among Vietnamese in the U.S. Among those who arrived in the U.S. between 1984 and mid-1987, the prevalence rate was 14.4 percent, 28.8 times the rate in the U.S. general population (0.5 percent). Approximately one in seven Vietnamese is a chronic HBV carrier. It can be anticipated that two out of every hundred Vietnamese will die of hepatitis B-related liver disease.

During 1995, demonstration projects in Philadelphia and San Diego have found vaccination rates in Vietnamese children 3–13 years of age of 4 percent and 15 percent, respectively. These demonstration projects were designed to serve all of the APIA groups in several selected communities that were predominantly South East Asian. The project staff found that methods which worked well with one Asian ethnic group often were not effective in another Asian ethnic group. Within 12 months, hepatitis B vaccination completion levels for the combined Asian ethnic groups, located in the targeted geographic areas, were raised to 20 percent and 30 percent, respectively. The findings of these projects indicated that if it were possible, ethnic-group-specific health education methods should be identified and implemented to improve efficiency and effectiveness of hepatitis B vaccination catch-up efforts.

These projects identified the need for health education related to hepatitis B in several areas. Among the key findings from these projects were that a substantial proportion of the medical professionals providing health care to the children of these communities were unaware (1) of the ACIP recommendations to vaccinate APIA 3–13 year old children with hepatitis B vaccine, (2) that the Federal Vaccines for Children (VFC) program provided free hepatitis B vaccine for these children (70 percent are eligible), and, (3) of the magnitude of the risk for HBV infection and resulting death these APIA children faced, compared to non-API children in the United States. Also, the majority of parents of these children were not aware of the HBV risks, the availability of a protective vaccine recommended for use in APIA, or of the VFC Program. These findings show the need to provide information to both the health professionals and the parents in these communities.

On February 28, 1997, CDC convened a special Task Force of medical and public health professionals from around the country experienced in providing hepatitis B vaccination to APIA to ensure that a specific APIA vaccination goal will be attained. That goal is to raise hepatitis B vaccination rates in APIA children born from 1984 through 1993 from the current level of 10 percent to 90 percent by the close of the year 2000. The efforts outlined in this announcement will help achieve this important goal.

Hepatitis B virus transmission occurs at a higher rate in Vietnamese families because HBV infection has been endemic in most Asian populations for many centuries. Long before 1970 when the virus was first discovered the lifetime risk for HBV infection in these populations was almost 100 percent. From 10 percent to 20 percent of the pregnant women were chronically infected and passed the virus on to their infants at birth. Many of these infants became chronically infected. Many children born to women who did not have HBV infection were infected during childhood from exposure to other household members with chronic HBV infections. Therefore since this virus is transmitted by even small amounts of blood, transmission occurs easily within families—hence the label a ''family disease.'' Where someone in the family is chronically infected the other household members are very likely to eventually be infected as well. These children are exposed in the family and each successive generation was at higher risk than the previous one until the vaccine was developed in the early 1980's and now is being provided.

Purpose

The purpose of the hepatitis B vaccination education evaluation project for Vietnamese children is to evaluate feasible methods of ensuring hepatitis B vaccination of children 3–16 years of age in the Vietnamese population within the United States, to create practical methods for implementation nationwide, and to estimate hepatitis B vaccination coverage rates in Vietnamese American children ages 3–16 years of age.

The goals of this demonstration project are:

1. To evaluate and compare the effectiveness (including cost-effectiveness) of two primarily different methods of ensuring hepatitis B vaccination of Vietnamese children age 3–16 years by (1) conducting baseline assessments of vaccination rates (coverage), (2) developing and applying the interventions, and (3) measuring the effectiveness of the interventions.

2. To determine the factors that are most predictive of acceptance/completion of the 3-dose hepatitis B vaccination series and the barriers associated with non-acceptance /non-completion in a defined target group of Vietnamese children age 3–16 years.

The project will: (1) Provide health education resulting in hepatitis B

vaccination of 20,000 Vietnamese children in two of the largest Vietnamese communities in the United States, (2) provide a template to aid the national efforts to ensure hepatitis B vaccination for the estimated 292,756 Vietnamese-American children, (3) add to the existing knowledge about ''catch-up'' hepatitis B vaccination programs in Vietnamese communities across the nation, and (4) accurately measure hepatitis B vaccination coverage rates in children ages 3–16 years in three of the largest Vietnamese communities in the United States in 1998 and again in the year 2000.

Program Requirements

In conducting activities to achieve the purpose of this project, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities

1. Develop and implement a research design that will evaluate the effectiveness of two separate and specific intervention methods. Apply methods, one each, in two separate Vietnamese communities with a third community serving as a comparison. The hepatitis B vaccination efforts in this third community should be comparable to those being conducted around the country. However, except for the pre-and post intervention telephone surveys conducted with a small random sample of parents, there will not be any added efforts in this comparison community.

a. Conduct pre- and post-test measures in these three communities.

b. Develop a media-based intervention exclusively, utilizing Vietnamese-language electronic, print and outdoor media.

c. Utilize a community mobilization model which will include the formation of a coalition of community leaders and agencies which will conduct grass-roots, person-to-person community organizing activities.

2. Promote the delivery of hepatitis B vaccine to all eligible Vietnamese children age 2–16 within the two target study communities through a network which may include public and private clinics, hospitals, and private doctors offices; Women, Infants and Children (WIC) and Aid to Families with Dependent Children (AFDC) sites as well as in day care centers, pre-schools, and elementary and high school based clinics; religious and community organizations; and through in-home visitation and mobile vans.

3. Follow published, scientifically valid methods of sample size and power calculations, sample selection, survey design, data collection, data management and data analysis.

4. After completing the design, pretest and review phases, conduct a baseline household sample survey to measure hepatitis B vaccination levels and knowledge, attitudes, behaviors, and barriers related to hepatitis B vaccination.

5. After conducting the baseline survey using the methods outlined in 2. above:

a. Provide the culturally appropriate education on the risks of HBV infection and benefits of hepatitis B vaccination to all individuals in the two target study groups; and

b. Inform all individuals in the two target study groups of the availability of free hepatitis B vaccinations for most 3–16 year old Vietnamese children in the two target study groups.

6. Make available the information materials developed/modified and/or evaluated during this project for use in similar populations throughout the United States as indicated.

7. Develop a final report and prepare a manuscript in for submission to a peer reviewed journal for publication.

8. Adhere to the detailed time-line provided by the recipient and approved by CDC which includes each major step necessary to accomplish the recipient activities listed above.

9. Provide documentation of human subjects approval.

B. CDC Activities

1. Provide scientific assistance needed to produce or adapt the educational materials to educate the community members.

2. Provide technical assistance in regard to survey and other assessment and evaluation activities, analysis, manuscript development and other activities associated with the project.

3. Coordinate meetings with recipients and representatives of other education/community outreach and evaluation projects.

4. Provide technical assistance in the development of protocols for a community education and training program cooperatively with recipients.

5. Provide information regarding CDC research projects related to hepatitis B vaccination in APIA communities.

6. Collaborate with recipients on the use of media and coalition methods for community health education.

Technical Reporting Requirements

Quarterly progress reports are required. An original and two copies of each report will be due 30 days after the end of each quarter. Submission due dates will be established at the time of the award. A financial status report (FSR) is due 90 days after the end of each budget period. An original and two copies of a final performance report and FSR are due no later than 90 days after the end of the project period.

Progress reports and the final performance report must include the following:

1. Restate each objective and under each address the progress made on each item listed under **Program Requirements** section in this announcement as well as each specific additional activity included in the recipient's accepted proposal.

2. Under each objective list and explain any deviation from the time-line presented and approved in the recipient's accepted proposal; provide specific steps that are being or will be taken to return to the original agreed upon time-line.

3. Under each objective list and explain any problems that have been encountered and the steps that have been or will be taken to overcome these problems.

4. Include frequency tabulations for the key items in the surveys conducted during the reporting period.

5. Succinctly describe and quantify presentations made during the reporting period related to the project.

6. Include, in the appendix, estimates of the number of vaccine recipients by dose of hepatitis B vaccine administered.

7. Include, in the appendix, copies of key correspondence regarding the demonstration project.

8. Include, in the appendix, copies of all informational materials utilized in the community outreach components of this demonstration project.

9. Include, in the appendix, copies of all survey instruments used or to be used in this demonstration project.

10. Include any other activity or item felt by the project director to be pertinent.

All reports must be submitted to Ron Van Duyne, Grants Management Officer, Attention: David Elswick, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305.

Application Content

To assist in developing the application, applicants should use as guidance the information provided below and in the **Evaluation Criteria**

section of the announcement. The application must:

1. Demonstrate that the applicant has the following:

a. The ability and opportunity to evaluate three populations of at least 20,000 Vietnamese people each within a community or geographic area that can be defined and approached with a television media based immunization outreach program and which are similar on relevant characteristics such as demographic, geographic, social economic status, and health care profiles.

b. Established links to the Vietnamese community with culturally appropriate and sensitive outreach methods.

c. A history of successful completion of telephone survey research projects as part of medical or public health outreach programs within the Vietnamese community.

d. Prior experience in the development and evaluation of effective perinatal and universal infant hepatitis B vaccination programs within the Vietnamese population.

e. Culturally appropriate, commercial quality, topic specific video, audio, print, and outdoor media materials previously developed and tested in Vietnamese communities.

2. Include a complete and detailed proposal that will serve as the plan and general protocol for the entire demonstration project. Applicants should provide a title page; a table of contents; an introduction section with goals and objectives; followed with a background section including complete but brief descriptions of the target populations and the current perinatal and routine infant hepatitis B vaccination programs in the target population; a methods section with educational methods, evaluation and analytic methods, goals and objectives of each survey as well as list of variables to be measured and questions to be answered by each survey; a detailed time-line including all major steps and events; an appendix with (1) curricula vita of the managers and supervisors and principal investigator(s) with job descriptions of jobs that will be filled by the cooperative agreement monies; (2) a list of previous or ongoing similar projects conducted in this or similar communities showing the amount of funding, funding agencies, dates of the project, principal investigator, and a brief summary of each project; and (3) original letters of support including commitments to detailed activities with the appropriate signatures from a minimum of three major community groups working within the target population, the health care providers serving at least 80 percent of the target population, and a minimum of two school districts within the target population, as well as all subcontractors to be hired for any portion of the project.

3. Provide the names, qualifications, and time allocations of the professional staff to be assigned to this project; the support staff available for the performance of this project; and the facilities and equipment available for performance of this project.

4. If applicable, provide a description of any work that is to be performed by a subcontractor for the applicant. Proposed contracts should identify the name of the contractor, if known; describe the services to be performed; provide an itemized budget and justification for the estimated costs of the contract; specify the period of performance and method of selection.

5. Provide evidence of collaboration with various groups necessary for the conduct of this project. These groups may include: community organizations, health care providers, and public health professionals from technical or academic centers with expertise in appropriate fields.

6. Demonstrate partnerships with local or regional institutions that can assist in program implementation.

7. The proposed budget should clearly indicate what proportion of each staff member's time is to be allocated to the project.

8. While there is no legislative mandate for matching funds, all local matching resources should be shown with the proposed budget.

9. Detailed budgets are not necessary for years two and three, but operational objectives should be included for years two and three of the project. Applicants should provide a detailed description of the proposed first year activities. Completed budget forms should be placed at the beginning of the application. Applicants should provide a detailed budget, with accompanying justification of all costs, that is consistent with the stated objectives and planned activities of the project. CDC may not approve or fund all proposed activities. Applicants should be precise about the program purpose of each budget item.

The application pages must be clearly numbered and a complete index to the application and its appendices must be included. Each section of the proposal should be on a new page. The original and each copy of the application set must be submitted unstapled and unbound. All material must be typewritten, double spaced, with unreduced type on 8½″ by 11″ paper, with at least 1″ margins, and printed on one side only.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. The extent to which the applicant's proposal: (a) Demonstrates the applicant's understanding of the purpose of the project and the feasibility of producing the required results; and (b) includes background information and other data to demonstrate that the applicant has the appropriate organizational structure, administrative support and accessibility to an adequate number of participants in the target populations to accomplish study objectives, including culturally appropriate outreach activities. (20%)

2. The degree to which the plan of operation covers the ''Program Requirements'', is consistent with study goals and is realistic, specific, measurable and time-phased, and specifies the what, who, where, how and the timing for start and completion of each step. (20%)

3. The degree to which the applicant's plan demonstrates the scientific soundness of the research methods and survey instruments to be used. (20%)

4. The qualifications and commitment of the applicant; allocations of time and effort of staff devoted to the project; and the qualifications of the primary and support staff. (15%)

5. The applicant's ability to collaborate with other agencies for conduct of the project, including the degree of commitment and cooperation of collaborating parties. (10%)

6. The extent to which the applicant demonstrates a cultural competency for the proposed education, training, and telephone interviewing. (15%)

7. The extent the proposed budget is reasonable, with a concise and clear justification, and consistent with the intended use of cooperative agreement funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting project activities. (Not Scored)

Site visits may be conducted before final funding decisions are made by CDC. Only the organizations with high ranking applications will be visited. During the visit, CDC staff will determine if all necessary components for start-up of the project are in place. This meeting will be conducted by the CDC representatives with participation by local staff and others who may have interest in this project. Periodic site visits will be held as indicated thereafter to monitor progress.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Ron Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, no later than 30 days after the application deadline. The Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' the State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

1. A copy of the face page of the application (SF424).

2. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not to exceed one page, and include the following:

a. A description of the population to be served;

b. A summary of the services to be provided; and

c. A description of the coordination plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Surveys

To document timely preparation and allow for input from CDC prior to implementation, DRAFTS of the pre-intervention baseline household survey questionnaire should be sent to CDC within two months of the initial notice of grant award date.

A sampling plan for the household survey should be sent to CDC for review and comment prior to implementation. A draft of this plan should be sent in writing within one month of receipt of initial notice of grant award.

Human Subjects

The proposed project involves research on human subjects, therefore, applicants must comply with the Department of Health and Human Services Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Application Submission and Deadline

An original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Ron Van Duyne, Grants Management Officer, Attention: David Elswick, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, on or before August 25, 1997.

1. Deadline

The application shall be considered as meeting the deadline if it is either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the objective review group. Applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

2. Late Applications

Applications which do not meet the criteria in 1.a. or 1.b. above are considered late applications. A late application will not be considered and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6521, Internet address: DCE1@cdc.gov.

Programmatic technical assistance may be obtained from Gary L. Euler, DrPH, Chief, Hepatitis Activity, Adult Vaccine Preventable Diseases Branch, Epidemiology and Surveillance Division, National Immunization Program, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road NE. Mailstop E–61, Atlanta, GA 30333, telephone (404) 639–8742, Internet address: GLE0@cdc.gov.

Please refer to *Announcement 772* when requesting information and submitting an application.

A copy of ''Healthy People 2000'' (Full Report; Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report; Stock No. 017–001–00473–1) referenced in the **Introduction** may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: June 18, 1997.

Joseph R. Carter,

Acting Deputy Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–16475 Filed 6–23–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Procedures for Requests to Use Child Care and Development Fund for Construction or major Renovation of Child Care Facilities.

OMB No.: New Collection.

Description: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) allows tribal grantees to use Child Care and Development Fund (CCDF) grant awards for construction and renovation of child care facilities. A tribal grantee must first request and receive approval from the Administration for Children and Families (ACF) before using CCDF funds for construction or major renovation. This information collection contains the statutorily-mandated uniform procedures for the solicitation and consideration of requests. Respondents will be CCDF tribal grantees requesting to use the CCDF funds for construction or major renovation.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Construction and Renovation	100	1	20	2,000
FY 1997 Form	100	1	.05	5

Estimated Total Annual Burden Hours: 2,005.

Additional Information: Copies of the proposed collection may be obtained 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.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: June 19, 1997.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 97–16556 Filed 6–23–97; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Board of Scientific Counselors, National Center for Research Resources, July 9–10, 1997, Building 31, Conference Room 3B13, National Institutes of Health, Bethesda, Maryland, which was published in the **Federal Register** on May 14, 1997, (62 FR 26550).

The meeting is canceled due to scheduling conflicts of several members of the Board and will be rescheduled at a later date.

Dated: June 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–16532 Filed 6–23–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following meeting:

Name of Committee: Ad Hoc Smell, Taste and Touch and Chemosensory Disorders Subcommittee of the National Deafness and Other Communication Disorders Advisory Council.

Date: July 23, 1997.

Time: 1–3 pm.

Place: National Institutes of Health, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, MD 20892, (telephone conference).

Contact Person: Mr. Baldwin Wong, Program Analyst, NIDCD/PPHRB, 31 Center Drive, MSC 2320, Room 3C–31, Bethesda, MD 20892–2320, (301) 496–7243.

Purpose: To recommend individuals to serve on a scientific panel to update the smell, taste and touch and chemosensory disorders section of the Research Plan.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code. These discussions could reveal personal information concerning these individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.173, Biological Research Related to Deafness and Communication Disorders)

Dated: June 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–16533 Filed 6–23–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Research; 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 Dental Research Special Emphasis Panel (SEP) meeting:

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R44 (97–54).

Dates: July 15, 1997.

Time: 12:00 noon.

Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892, (teleconference).

Contact Person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R44 (97–57).

Dates: July 24, 1997.

Time: 2:00 p.m.

Place: Natacher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20891, (teleconference).

Contact Person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

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 No. 93.121, Oral Diseases and Disorders Research)

Dated: June 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–16534 Filed 6–23–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4200–N–76]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 24, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 18, 1997.

David S. Cristy,

Acting Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Electronic Transmission of Required Family Data for Public and Housing Programs.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0083.

Description Of The Need For The Information And Its Proposed Use: The purpose of this information collection is to have projects administered under the public housing, Indian housing, Section 8 Certificate, Rental Voucher, and Moderate Rehabilitation programs submit certain data electronically to HUSD in a HUD prescribed format. For housing agencies (HAs) that are not already automated or who determine that automation is not cost-effective, transmission of the data through the use of a service bureau is permitted.

Form Number: HUD–50058.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: Monthly.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–50058	4,500		916.5		.42		1,732,185

Total Estimated Burden Hours: 1,732,185.

Status: Revision.

Contact: Earl Simons, HUD, (202) 708–0744 x4026; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: June 18, 1997.

[FR Doc. 97–16504 Filed 6–23–97; 8:45 AM]

BILLINF CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4200–N–77]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 24, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as

required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the Office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed uses; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submission will be required; (8) an estimate of the total number of hours needed to prepare the informationsubmission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 18, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Public Housing Agency (PHA) Development. Cost Budget/Cost Statement, Actual Development Cost Certificate, Acquisition and Relocation.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0036.

Description of the Need for the Information and its Proposed Use: This information collection will enable HUD to determine whether amounts requested or spent are reasonable to services or items purchased, or to actual or projected development progress so that, if necessary, timely action can be taken. It will also enable HUD to determine PHA's compliance with the U.S. Housing Act of 1937.

Form Number: HUD–52484 and HUD–52477.

Respondents: State, Local, or Tribal Government and Not-For-Profit Institutions.

Frequency of Submission: Recordkeeping, On Occasion, and Quarterly.

Reporting Burden:

	Number of respondents	×	Frequency of Response	×	Hours per response	=	Burden hours
HUD–52484, Development Cost	261		2		5		2,610
HUD–52484, Cost Statement	450		4		5		9,000
HUD–52427, Actual Development Cost Certification	113		1		.50		57
Recordkeeping	110		1		.50		55

Total Estimated Burden Hours: 11,722.

Status: Reinstatement, with changes.

Contact: William Flood, HUD, (202) 870–1640 x4185 Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: June 18, 1997.

[FR Doc. 97–16505 Filed 6–23–97; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4200–N–78]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 24, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 18, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: National Low Income Housing Tax Credit (LIHTC) Database and Analysis.

Office: Policy Development and Research.

OMB Approval Number: 2528–0165.

Description of the Need for the Information and its Proposed Use: This research will collect basic data on the universe of projects developed with Federal Low Income Housing Tax Credits (LIHTC). The resulting database will be used by HUD for current analysis of the locations of LIHTC projects placed in service from 1995 thorough 1999. The information will also serve as the sampling frame for

future, more in-depth studies of the tax credit.

Form Number: None.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	54		1		24		1,297

Total Estimated Burden Hours: 1,297.

Status: Reinstatement, without changes.

Contact: Stacy Jordan, HUD, (202) 708–0426; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 97–16506 Filed 6–23–97; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Endangered Species Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

Applicant: Eco-Tech, Inc., Frankfort, Kentucky, Hal Bryan, President and Senior Ecologist

PRT–810274

The applicant requests an amendment to their existing permit to take (capture, radio-tag selected individuals, and release) Indiana bats, *Myotis sodalis,* and gray bats, *M. grisescens,* for the purpose of enhancement of survival of the species. The amendment would add Missouri and West Virginia to the geographic area in which activities are currently authorized: Kentucky, Tennessee, Georgia, Ohio, Virginia, New Jersey, and Indiana.

Written data or comments on this application should be submitted to: Regional Permit Biologist, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. All data and comments must be received by July 24, 1997.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office by July 24, 1997: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist); Telephone: 404/679–7313; Fax: 404/679–7081.

Dated: June 16, 1997.

Noreen K. Clough,

Regional Director.

[FR Doc. 97–16408 Filed 6–23–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Exports of Live American Alligators

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service (Service) has received information that raises concerns on the conservation implications of the export of live American alligators. This notice is to request submission to the Service of any information that may be available on the impacts of exports of live American alligators. In addition, the Service recently denied an application, and other current applications in process raise questions concerning eligibility. The Service announces review of all available information relating to such export to determine to what extent the export of live alligators meet the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and Service criteria for permit issuance. This will allow the agency to examine the potential impacts of future exports of American alligators on the species, on other crocodilians, and on American alligator conservation programs. Information collected will be used in evaluating current and future permit applications to ensure that any permits issued comply fully with all requirements, including Executive Order 11987, Exotic Organisms. If requested, a public meeting or meetings will be used to assist the Service in analyzing the information. While the Service will continue to review applications on a case-by-case basis, any general policy or determinations developed as a result of this review will be published in the **Federal Register** for notice and comment. Applications for export of live American alligators for scientific research, for zoological display, or as personal pets appear to continue to be generally eligible for permits and will be evaluated on a case-by-case basis.

DATES: The Service will consider all information and comments received by August 25, 1997.

ADDRESSES: Please send comments to Chief, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Express and messenger deliveries should be addressed to the same address. Materials received will be available for public inspection by appointment from 7:45 am to 4:15 pm, Monday through Friday, at the Office of Management Authority.

FOR FURTHER INFORMATION CONTACT: Kenneth Stansell, Chief, Office of Management Authority, phone 703–358–2095, fax 703–358–2280.

SUPPLEMENTARY INFORMATION: The Office of Management Authority has recently received requests from the Florida Game and Freshwater Fish Commission and the Louisiana Department of Wildlife and Fisheries that the Service review the criteria for issuance of permits for commercial export of live American alligators and to restrict issuance of permits until a review is completed. Both States have a number of conservation concerns about the export of these animals. In addition, the IUCN Crocodile Specialist Group has provided the Service with information that emphasizes the serious ecological consequences of establishing feral populations of exotic species of crocodilians, especially in areas with native crocodilians.

Each permit application must be carefully evaluated to ensure compliance with all applicable regulations and executive orders before a permit can be issued. For American alligators, their parts, or products, an export permit can only be issued if the Service can determine:

1. That the export will not be detrimental to the survival of the species (Code of Federal Regulations, Title 50, 23.15(d)(1));

2. That the animals to be exported were not obtained in violation of laws for their protection (50 CFR 23.15(d)(2);

3. That the authorization requested does not potentially threaten a wildlife population (50 CFR 13.21(b)(4)); and

4. That the requirements of Executive Order 11987, Exotic Organisms, are met. (This Executive Order requires ''Executive agencies * * * to restrict the use of Federal funds, programs, or authorities used to export native species for the purpose of introducing such species into ecosystems outside the United States where they do not naturally occur.'' In this instance, introduction is defined to include ''the release, escape, or establishment of an exotic species into a natural ecosystem.''

In relation to Executive Order 11987, Exotic Organisms, there has been an increasing awareness at the international level of the problems associated with species that are, inadvertently or otherwise, introduced into ecosystems where they do not usually occur (also referred to as alien species). International conservation bodies have recently addressed these issues and the problems associated with them. In July 1996, the United Nations Environment Programme (UNEP), the Secretariat for the Convention on Biological Diversity, UNESCO, and the Scientific Committee on Problems of the Environment (SCOPE) of the International Council of Scientific Unions (ICSU) sponsored a Conference on Alien Species in Trondheim, Norway. This Conference provided a forum for dialogue among scientists and policy makers on research and management issues related to alien species, contributed to ongoing deliberations in international and national fora dealing with these issues, and developed a sound scientific knowledge base on issues related to alien species.

At the World Conservation Congress in October 1996, the IUCN/SSC Invasive Species Specialist Group conducted a workshop on ''Dealing with Alien Invasive Species.'' During the course of this workshop, draft guidelines for the prevention of biodiversity loss due to biological invasion were made available for further discussion and consideration. The IUCN/SSC Invasive Species Specialist Group is developing a global database of invasive species. The IUCN workshop was followed by further discussion of the invasive species issue at the Third Conference of the Parties of the Convention on Biological Diversity (CBD) held in Buenos Aires, Argentina, in November 1996.

In response to concern over this issue, the U.S. Fish and Wildlife Service has prepared a discussion document entitled ''Trade in Alien Species.'' The Service has asked that the topic be included on the agenda of the meeting of the tenth CITES Conference of the Parties which will be held in June 1997 in Zimbabwe. The paper notes that: ''In the United States, well over 300 nonindigenous fish and wildlife species of foreign origin have already established free-living populations, approximately 122 of which are causing harm and threatening biodiversity (Office of Technology Assessment 1993). Although some of these species were introduced intentionally, many became established by accident. The risk of deleterious introductions, both intentional and unintentional, from species in international commercial trade remains grave.''

The IUCN Crocodile Specialist Group has contacted the Service outlining its concern about ''the potentially serious ecological consequences of establishing feral populations of exotic species of crocodilians, including competition with native species, impact on prey species, interbreeding with native crocodilians and introduction of diseases * * *. The Crocodile Specialist Group of the SCC/IUCN RECOMMENDS that crocodile species should not be used for commercial farming operations outside their historical range where those operations are located within the range of other native species of crocodilians.'' This increased international focus is providing information that should be taken into consideration when permit applications are evaluated.

In 1995, 10 CITES export permits were issued for the export of 592 live American alligators. In 1996, 15 CITES export permits were issued for the export of 2,151 live American alligators. The Service currently has several applications for export of a total of over 2,300 American alligators. Some applicants have already stated that they plan to apply for additional export permits for live American alligators. One application has been denied.

In order to ensure that any export permits issued fully comply with Executive Order 11987 as well as all other requirements, the Service is seeking information on the possible conservation impacts of export of live American alligators, including impacts on State management programs for this species in the United States, and on the potential deleterious effects of exported live American alligators on ecosystems outside their natural range into which they may be introduced. Information collected will be used in evaluating current and future applications to ensure that any permits issued are issued in compliance with all current requirements. Applications for export of American alligators, including those for scientific research, for zoological display, or as personal pets, will be evaluated on a case-by-case basis. After a review of the potential impacts of live American alligator export on the status of wild American alligator populations in the United States, as well as a review of whether or not the export may be detrimental to any wildlife or plant population into which the American alligators may be introduced. Any determinations or general policy will be published in the **Federal Register** for notice and comment.

Information Requested

In response to information provided to the Service that raises concerns about the way in which applications for export of live American alligators are evaluated, the increasing number of applications for export of live American alligators, and statements from applicants that more applications for export would be forthcoming, the Service is seeking additional information and public input about the conservation impacts of commercial export of live American alligators and/or their eggs. Information sought would include: (1) potential deleterious effects of exported live American alligators on ecosystems outside their natural range into which they may (inadvertently or otherwise) be introduced; (2) potential impacts on State management programs for this species in the United States including the effectiveness of the programs and successful enforcement of legal trade in American alligator specimens; (3) potential effects of American alligators on other crocodilian species and their habitats in other countries (especially where examples can be cited); and (4) documented examples of effects of other crocodilians introduced outside of their native range. Because there is no ability to monitor subsequent re-export of specimens after the initial export from the United States, the Service is also soliciting comments regarding export of live American alligators to countries outside the range of any crocodilian.

Future Actions

Comments received through this notice will be used in evaluating current and future applications for export of live American alligators. All information received in response to this notice will be thoroughly reviewed and evaluated, and a decision will be made on whether to develop a policy proposal on this issue. Applications for export of American alligators for scientific research, for zoological display, or as personal pets will be evaluated on a case-by-case basis. If requested in

writing, the Service will hold public meetings concerning the issue.

Dated: June 17, 1997.

Jay L. Gerst,

Acting Director.

[FR Doc. 97–16519 Filed 6–23–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–340–1110–00]

Hunting Closure on Identified Public Lands, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Hunting Closure on Identified Public Lands, California.

SUMMARY: In cooperation with the California Department of Fish and Game, the U.S. Bureau of Reclamation, the Regents of the University of California, the Quail Ridge Wilderness Conservancy, and the Quail Ridge Association, and under authority of 43 CFR 8364.1, the Clear Lake Resource Area of the Bureau of Land Management is designating as closed to hunting approximately 558.38 acres of BLM lands. These public lands are located within the Quail Ridge Reserve at Lake Berryessa in Napa County, California and are cooperatively managed by the above agencies and organizations as the Quail Ridge Reserve. The 558.38 acres of BLM lands closed to hunting are legally described as:

Township 7 North, Range 3 West, MDM,
Sec. 1, W½ Lot 2 in the NE¼, 38.38 acres;
Sec. 1, W½ Lot 1 in the NE¼, 40 acres;
Sec. 2, SE¼ NE¼, 40 acres.
Township 8 North, Range 3 West, MDM,
Sec. 25, SE¼ NE¼, S½NW¼, SW¼, W½SE¼, 360 acres;
Sec. 26, SE¼ NE¼, 40 acres;
Sec. 35, NE¼ NE¼, 40 acres.

This is a permanent year-round hunting closure until and unless the Management Team for the Quail Ridge Reserve agrees to rescind or modify the closure. An exception to this closure are special hunts agreed upon by the Management Team as necessary to control the proliferation of nonnative game species i.e. feral pigs. Any special hunts will be coordinated by the California Department of Fish and Game.

A map depicting BLM lands to be closed to hunting is available upon request from the Clear Lake Resource Area office of the BLM in Ukiah, California.

EFFECTIVE DATE: This closure will become effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Phil Damon, Acting Clear Lake Resource Area Manager at 707–468–4000.

SUPPLEMENTARY INFORMATION: This closure applies to BLM lands located within the Quail Ridge Reserve (QRR) at Lake Berryessa in Napa County, California. In a Cooperative Agreement approved in 1992 between the Regents of the University of California and the Bureau of Land Management, the BLM agreed to provide to the University of California the use of the above-described public lands for teaching, research, and other educational purposes. In this agreement the BLM also agreed to support a hunting closure on these lands primarily to avoid potential conflicts with animal population studies, but also to decrease the safety hazards to researchers and visitors during hunting seasons.

QRR includes lands owned and managed by the agencies and organizations listed in the above Summary of this Notice. With the exception of the BLM, all lands owned and managed by these agencies and organizations have already been closed to all hunting. The Department of Fish and Game has not enforced the hunting closure on DFG-administered lands because it is very difficult to determine common boundaries between the BLM lands and DFG lands on the ground. In the absence of a hunting closure on BLM lands, the integrity of the cooperative management of QRR by agencies and organizations which already have hunting closures in place will be compromised. Implementing the hunting closure on BLM lands is necessary to complete the final link in the cooperative goal of closing lands within QRR to hunting. As stated, the BLM has signed cooperative agreement to support a hunting closure.

Phil Damon,

Acting Clear Lake Resource Area Manager.

[FR Doc. 97–16478 Filed 6–23–97; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–360–1020–00]

Resource Advisory Council Meeting, Ukiah (Northwest California) Redding, CA

AGENCY: Bureau of Land Management

ACTION: Notice of meeting.

SUMMARY: The U. S. Bureau of Land Management's Ukiah (Northwest California) Resource Advisory Council will meet Thursday and Friday, July 24 and 25, 1997, at the Victorian Inn, 1709 Main Street (Highway 299), Weaverville, CA. The meeting will include a business session and field tour.

SUPPLEMENTARY INFORMATION: The Thursday, July 24 meeting begins at 10 a.m. in the conference room of the Victorian Inn. Agenda items include a review of the BLM-California draft environmental impact statement on Standards for Healthy Rangelands and Guidelines for Livestock Grazing. The council will also hear a subcommittee report on the proposed Yahi-Ishi National Conservation Area, and a subcommittee report on recreation user fees. Public comments will be taken at 1 p.m. Depending on the number of persons wishing to speak, a time limit could be imposed.

On Friday, July 25, the members will convene at 8 a.m. the Victorian Inn and depart immediately for a field tour of conservation projects in the BLM's Redding Resource Area. Members of the public are invited on the tour. They must provide their own four-wheel-drive transportation and lunch. The tour will conclude at 3 p.m.

FOR ADDITIONAL INFORMATION CONTACT: Chuck Schultz, BLM Redding Resource Area Manager, (916) 224–2100.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 97–16477 Filed 6–23–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council Meetings

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meetings.

SUMMARY: The Bay-Delta Advisory Council (BDAC) will meet to discuss several issues including: an overview and discussion of the process to evaluate and narrow the program alternatives; an update on the activities of the Ecosystem Restoration program and the Ecosystem Roundtable subcommittee; an update from the fact finding BDAC work groups (finance, ecosystem restoration and assurances); and other issues. The Ecosystem Roundtable (a subcommittee of the BDAC) will meet to discuss the following issues: the evaluation and selection process for the 1997 Category III Request for Proposals; contract

administration for the selected proposals; and future priorities and schedule for the Restoration Coordination Program. Interested persons may make oral statements to the BDAC or to the Ecosystem Roundtable or may file written statements for consideration.

DATES: The Bay-Delta Advisory Council meeting will be held from 9:30 am to 5:00 pm on Tuesday, July 22, 1997. The Ecosystem Roundtable will meet from 9:30 am to 4:00 pm on Friday, July 11, 1997.

ADDRESSES: The Bay-Delta Advisory Council will meet at the Sacramento Convention Center, 1400 J Street, Sacramento, CA. The Ecosystem Roundtable will meet in Room 1131, 1416 Ninth Street, Sacramento, CA.

CONTACT PERSON FOR MORE INFORMATION: For the BDAC meeting, contact Sharon Gross, CALFED Bay-Delta Program, at (916) 657–2666. For the Ecosystem Roundtable meeting contact Kate Hansel, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The CALFED Bay-Delta Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen avisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA) as the Bay-Delta Advisory Council (BDAC) to advise CALFED on the program mission, problems to be addressed, and objectives for the CALFED Bay-Delta program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual work plans to implement ecosystem restoration projects and programs.

Minutes of the meetings will be maintained by the CALFED Bay-Delta Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: June 18, 1997.

Robert Stackhouse,

Acting Regional Director, Mid-Pacific Region.

[FR Doc. 97–16479 Filed 6–23–97; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on June 6, 1997, a proposed Consent Decree in *United States* v. *M & O Environmental Company, et al.,* Civil No. 1:96–CV–1786, was lodged with the United States District Court for the Northern District of Illinois. This Consent Decree resolves claims against two parties, Luse Asbestos Removal Company (''Luse'') and Carnow Conibear & Associates Ltd (''Carnow''), for violations of Sections 112 and 114 of the Clean Air Act (''Act''), 42 U.S.C. §§ 7412 and 7414, and various work practice standards and notice requirements promulgated as part of the National Emission Standard for Hazardous Air Pollutants for asbestos (''asbestos NESHAP'').

The Consent Decree requires Luse and Carnow to comply with the asbestos NESHAP and the Act of each demolition and/or renovation operation that is owned, leased, operated, controlled or supervised by Luse or Carnow and to pay collectively $70,000 in civil penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer in *United States* v. *M & O Environmental Company, et al.,* D.J. Ref. 90–5–2–1–1885.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Building, Fifth Floor, 219 South Dearborn Street, Chicago, Illinois 60604, at the Region V Office of the Environmental Protection Agency, 200 West Adams Street, Chicago, Illinois, 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 enclose a check in the amount of $26.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–16433 Filed 6–23–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

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* v. *Torger L. Oaas, et al.,* Civil Action No. 90–75–BU–PGH (D. Montana), was lodged on May 29, 1997 with the United States District Court for the District of Montana, Butte Division. The proposed consent decree resolves the United States's claims for response costs at the Montana Pole and Treating Plant Superfund Site pursuant to Sections 107 and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA''), *as amended*, 42 U.S.C. sections 9607 and 9613(g). Under the terms of this settlement, the Settling Defendants, Torger L. Oaas, Martha Oaas, and the Montana Pole and Treating Plant (''MPTP'') will play the

United States the sum of $10,000 in settlement of the United States' past response cost claims for cleanup of contaminated soils and groundwater at the Montana Pole and Treating Plant Superfund Site located in Silver Bow County near Butte, Montana. In addition, Settling Defendants will deed over, to a custodian to be identified by EPA, the Oaas's residence and MPTP's on-site property, for long term operation and maintenance of the remedy. In return, the United States will pay $110,000 for the Oaas's residence and provide a covenant not to sue to the Settling Defendants limited to past response costs. This proposed Consent Decree also settles potential counter-claims against the United States, the State of Montana and the Environmental Protection Agency's response action contractors, Riedel Environmental Services, Inc. and Roy F. Weston, Inc.

The Department of Justice will receive, for a period of thirty (30) days from the date of the publication, comments relating to the proposed partial 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. *Torger L. Oaas, et al.*, Civil Action No. 90–75–BU–PGH (D. Montana), DOJ Ref. *#90–11–2–429*.

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Denver Field Office, 999 18th Street, North Tower Suite 945, Denver, Colorado, 80202 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 partial 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 $11.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 97–16432 Filed 6–23–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

In accordance with Departmental policy, 28 CFR section 50.7, and with Section 122 of CERCLA, 42 U.S.C. § 9622, notice is hereby given that a consent decree in *United States* v. *School District of Philadelphia, Board of Education*, No. 97–3829, (E.D. Pa.) was lodged on June 3, 1997, with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the claims of the United States pursuant to Section 17 of the Toxic Substances Control Act (''TSCA''), 15 U.S.C. section 2616. The United States seeks permanent injunctive relief for violations by Defendant, the Philadelphia School District, Board of Education (''the School District''), of Sections 6(e) and 15 of TSCA, 15 U.S.C. sections 2605(e), 2614, and regulations promulgated thereunder, codified at 40 CFR Part 761, affecting the use, marking, disposal, and recordkeeping requirements for electrical transformers containing polychlorinated biphenyls (''PCBs''). Defendant is obligated under the consent decree to take remedial action under TSCA regulations.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the 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. *School District of Philadelphia, Board of Education*, DOJ Ref. # 90–5–1–4353. Comments may also be addressed to the United States Attorney, Eastern District of Pennsylvania, c/o Ms. Nadine Overton, 615 Chestnut Street, Suite 1250, Philadelphia, PA.

The consent decree may be examined and copied at the Office of the Clerk, U.S. District Court for the Eastern District of Pennsylvania; or the Region III Office of the Environmental Protection Agency, c/o Ms. Donna Mastro, 841 Chestnut Street, Philadelphia, PA. A copy of the consent decree may also be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $8.00 (25 cents per page reproduction cost), payable to the Consent Decree library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 97–16431 Filed 6–23–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

In accordance with Department of Justice policy and 28 CFR § 50.7, notice is hereby given that on June 5, 1997, a proposed Consent Decree in *United States* v. *City of Stoughton*, Civil No. 96–C–887, was lodged in the United States District Court for the Western District of Wisconsin. The Complaint filed by the United States and joined by the State of Wisconsin sought to recover costs incurred by the United States pursuant to CERCLA, 42 U.S.C. § 9601 et seq., at the Stoughton Municipal Landfill Site in Stoughton, Wisconsin. The Consent Decree requires Defendant City of Stoughton to reimburse the United States and the State of Wisconsin each in the amount of $750,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States* v. *City of Stoughton*, D.J. Ref. No. 90–11–2–784C.

The proposed Consent Decree may be examined at any of the following offices: (1) the United States Attorney for the Western District of Wisconsin, 660 West Washington Avenue, Suite 220, Madison, WI 53703 (contact Assistant United States Attorney Mark Cameli); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Assistant Regional Counsel John Tielsch); and (3) at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202–624–0892. Copies 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, telephone (202) 624–0892. For a copy of the Consent Decree please enclose a

check in the amount of $9.75 (25 cents per page reproduction costs) payable to Consent Decree Library.

Bruce S. Gelber,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–16434 Filed 6–23–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

U.S. v. Sealy Corporation

Notice is hereby given that defendant Sealy Corporation, successor to the former Sealy, Inc. (now named the Ohio Mattress Company Licensing and Components Group), has filed with the United States District Court for the Northern District of Illinois a motion to terminate the two Judgments entered in United States v. Sealy, Inc., Civil No. 60–C–844, and a motion to modify the first Judgment, entered on December 30, 1964, during the pendency of the Motion to Terminate. In a Stipulation also filed with the Court, the Department of Justice (''Department'') has tentatively consented to termination of the Judgments, but has reserved the right to withdraw its consent pending receipt of public comments.

The complaint in this case, filed on May 31, 1960, alleged that Defendant had conspired with its respective licensee owners to illegally allocate exclusive territories and to fix retail prices. Judgments were entered after a trial on the merits on December 30, 1964 and after an appeal to the United States Supreme Court on December 26, 1967. The Judgments prohibited Sealy from establishing territories for its distributors' sale of its mattresses and from engaging in resale price maintenance.

The Department has filed with the Court a memorandum setting forth the reasons why the Government believes that termination of the Judgments would serve the public interest. Copies of the Defendant's motion papers, the Stipulation containing the Government's consent, the Government's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at the legal Procedure Unit of the Antitrust Division, Room 215 North, Liberty Place Building, 325 Seventh St., N.W., Washington, D.C. 20530, and at the Office of the Clerk of the United States District Court for the Northern District of Illinois, Twentieth Floor, 209 South Dearborn Street, Chicago, Illinois 60604. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Judgments to the Department. Such comments must be received by the Department within sixty (60) days and will be filed with the Court by the Department. Comments should be addressed to Mildred L. Calhoun, Trial Attorney, Midwest Office, Antitrust Division, Suite 600, 209 S. LaSalle Street, Chicago, Illinois 60604 (Telephone (312) 353–7530).

Rebecca P. Dick,

Deputy Director of Operation.

[FR Doc. 97–16435 Filed 6–23–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

[OJP(NIJ)–1136]

RIN 1121–ZA82

National Institute of Justice Solicitation for Reducing Non-Emergency Calls to 911: An Assessment of Four Approaches to Handling Citizen Calls for Service

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the National Institute of Justice ''Reducing Non-Emergency Calls to 911: An Assessment of Four Approaches to Handling Citizen Calls for Service.''

DATES: The deadline for receipt of proposal is close of business July 29, 1997.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: For a copy of the solicitation, please call NCJRS 1–800–851–3420. For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

The National Institute of Justice, with support from the Office of Community Oriented Policing Services, is seeking proposals for assessment of four alternative approaches to 911 calls for service. These four new approaches are part of an effort to relieve the demand on the current 911 emergency number by reducing the number of non-emergency calls. Proposals should outline an overall research strategy for assessment of each of the four participating sites: Baltimore, Maryland; Buffalo, New York; Dallas, Texas; and Phoenix, Arizona.

In Baltimore a non-emergency number, 311, is being used as an alternative to dialing 911. Callers may dial the 311 number directly; or they may be transferred there by the 911 operator or other department telephone exchange. An anticipated effect of this restructuring is that it will free-up officers to be more pro-active in their services.

Dallas officials are also using 311 as a non-emergency alternative, and in the process have consolidated city agency dispatches in order to provide community-oriented government. 911 is used for all police, EMS, and fire emergencies and 311 is used for all non-emergency requests for city services. The expected benefits are the relief of the 911 call load and new 24-hour access by citizens to city agencies offered by 311.

The Buffalo Police Department has made many attempts in the last two decades to improve their emergency response system. The latest has been to institute a seven-digit non-emergency number. 911 Operators will continue to receive the non-emergency calls but will have the option of transferring them to 22 city agencies.

The Phoenix Police Department had established a seven digit service number before the 911 system was adopted some years ago. They currently use a combination of the two numbers in which all calls are directed to the 911 operators but calls placed using 911 are given higher priority while the seven digit requests may be placed on hold and taken in turn.

Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''Reducing Non-Emergency Calls to 911: An Assessment of Four Approaches to Handling Citizens Calls for Service'' (refer to document no. SL000230). The solicitation is available electronically via the NCJRS Bulletin Board, which can be accessed via the Internet. Telnet to ncjrsbbs.ncjrs.org, or gopher to ncjrs.org:71. For World Wide Web access, connect to the NCJRS Justice Information Center at http://

www.ncjrs.org/fedgrant.htm#nij. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set the modem at 9600 baud, 8–N–1.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 97–16489 Filed 6–23–97; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than July 7, 1997.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than July 7, 1997.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of June, 1997.

Russell T. Kile,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON JUNE 2, 1997

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
33,526	Baroid Drilling Fluids (OCAW)	Potosi, MO	05/19/97	Ore Mining & Shipping.
33,527	Cascade Woolen Mills, Inc (Comp)	Oakland, ME	05/21/97	Textiles.
33,528	Alamo Mills (Comp)	Alamo, TN	05/15/97	Ladies' Panties.
33,529	Norton McNaughton (Wrks)	New York, NY	05/16/97	Ladies' Apparel.
33,530	Tyco Manufacturing (Comp)	Beaverton, OR	05/20/97	View Master Viewers, Magna-Doodle Games.
33,531	Nu-Kote (Comp)	Derry, PA	05/13/97	Electrostatic Toner & Developers.
33,532	Varon, Inc. (Wkrs)	Colquitt, GA	05/20/97	Children's Sleepwear, Undergarments.
33,533	Brainard Rivet Co (USWA)	Girard, OH	05/13/97	Fasteners.
33,534	Milaca Mills, Inc (Wkrs)	Milaca, MN	05/17/97	Ladies' & Childrens' Sleepwear.
33,535	General Pneumatics Corp (Comp)	Orange, NJ	05/13/97	Inflation Valves.
33,536	Tenneco Packaging (Wrks)	Rittman, OH	05/07/97	Packaging Materials.
33,537	Binder Bros., Inc (Wrks)	Ridgefield, NJ	05/12/97	Gold & Silver Bracelets & Chains.
33,538	American Magnetics Corp (Comp)	Carson, CA	05/16/97	Magnetic Card Reader Systems.
33,539	Activewear Co., Inc (Comp)	Athens, GA	05/17/97	Ladies' Pants, Shorts, Skirts.
33,540	Medaryville Garment (Wrks)	Medaryville, IN	05/08/97	Men's Work Jackets & Work Pants.
33,541	Acme Belt Co., Inc (Wrks)	New York, NY	05/22/97	Belts.
33,542	Sta-Kool Laundres, Inc (Comp)	Rocky Mount, NC	05/21/97	Laundry & Finishing Service.
33,543	Greater Texas Finishing (Wrks)	El Paso, TX	05/20/97	Laundry Jean Products.
33,544	Trinity Industries, Inc (UAW)	Greenville, PA	05/20/97	Railcars-Grains, Centerbeams.
33,545	CNI, Inc (IBT)	Port Huron, MI	05/21/97	Automotive Armrests & Headrests.
33,546	Gould's Pump (PA), Inc (USWA)	Ashland, PA	05/22/97	Industrial Pumps & Parts.
33,547	Borden, Inc (Wrks)	Lowell, MA	05/23/97	Spaghetti.
33,548	Cost of Living Adjustment (Wrks)	Jersey City, NJ	04/25/97	Ladies' Cotton & Blend Pants, Skirts.

[FR Doc. 97–16497 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address show below, not later than July 7, 1997.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade

Adjustment Assistance, at the address shown below, not later than July 7, 1997.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of June, 1997.

Russell T. Kile,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON JUNE 9, 1997

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
33,549	Dunbrook, A Div. of (Co.)	Mt. Vernon, MO	04/24/97	Outerwear Ladies' & Men's.
33,550	City Shirt Company (UNITE)	Frackville, PA	05/22/97	Career Apparel.
33,551	William Wrigley (Wkrs)	Santa Cruz, CA	05/16/97	Chewing Gum.
33,552	Cascade Woolen Mill (Co.)	Oakland, ME	05/21/97	Woven Woolen Broadcloth.
33,553	Thomas and Betts (Wkrs)	Horseheads, NY	05/21/97	TV's Cable Connectors.
33,554	Christina J. Mfg., Inc. (UNITE)	New York, NY	05/23/97	Ladies' Dresses & Sportswear.
33,555	Special Plastic Products (Wkrs)	Fair Haven, MI	04/11/97	Automobile Parts.
33,556	Rugged Sport, LLC (Co.)	Littleton, NC	05/22/97	Fleece and Jersey Sportswear.
33,557	Knapp Shoes Corp (Wkrs)	Brockton, MA	05/14/97	Shoes.
33,558	Angelica Image Apparel (Wkrs)	Summersville, MO	05/27/97	Uniforms, Shirts.
33,559	K–N Energy (Wkrs)	Amarillo, TX	05/26/97	Oil and Gas Measurements.
33,560	Zenith Goldline (Co.)	Ft. Lauderdale, FL	05/27/97	Generic Pharmaceuticals.
33,561	Stabilus (Co.)	Colmar, PA	05/23/97	Gas Springs and Dampers.
33,562	Plaid Clothing Co (Co.)	Cincinnati, OH	05/22/97	Men's Suits, Sport Coats.
33,563	Corona USA Corp (Wkrs)	Fort Lee, NJ	04/12/97	Kerosene Heaters.

[FR Doc. 97–16498 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,278]

Johnson & Johnson Medical, Incorporated Including Leased Workers of Kelly Services, Incorporated Arlington, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 18, 1997, applicable to all workers of Johnson & Johnson Medical, Incorporated, located in Arlington, Texas. The notice was published in the **Federal Register** on May 9, 1997 (62 FR 25659).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some workers of Johnson & Johnson Medical, Incorporated were leased from Kelly Services, Incorporated to produce surgical latex gloves at the Arlington, plant. Based on these findings, the Department is amending the certification to include leased workers from Kelly Services, Incorporated, Arlington, Texas.

The intent of the Department's certification is to include all workers of Johnson & Johnson Medical, Incorporated adversely affected by imports.

The amended notice applicable to TA–W–33,278 is hereby issued as follows:

All workers of Johnson & Johnson Medical, Incorporated, Arlington, Texas and leased workers of Kelly Services, Incorporated, Arlington, Texas engaged in employment related to the production of surgical latex gloves for Johnson & Johnson Medical, Incorporated, Arlington, Texas who became totally or partially separated from employment on or after February 21, 1996, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 12th day of June 1997.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–16499 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–32,178 & TA–W–32,178E]

Kentucky Apparel LLP, Burkesville, Kentucky and Jamestown, TN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 29, 1996, applicable to all workers of Kentucky Apparel LLP, located in Burkesville, Kentucky. The notice was published in the **Federal Register** on May 17, 1996 (61 FR 24960).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information received by the company shows that worker separations did occur during October, 1996 and again January, 1997 at the Jamestown, Tennessee facility of Kentucky Apparel LLP. The workers produce denim jeans.

The intent of the Department's certification is to include all workers of Kentucky Apparel LLP who were adversely affected by increased imports of jeans. Accordingly, the Department is amending the certification to cover the workers of Kentucky Apparel LLP, Jamestown, Tennessee.

The amended notice applicable to TA–W–32,178 is hereby issued as follows:

All workers of Kentucky Apparel LLP, Burkesville, Kentucky (TA–W–32,178), and Jamestown, Tennessee (TA–W–32,178E) who became totally or partially separated from employment on or after March 11, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 6th day of June, 1997.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment

[FR Doc. 97–16500 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,297]

Lawton Manufacturing Company Including Leased Workers of Express Human Resources, Inc., Lawton, OK; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 20, 1997, applicable to all workers of Lawton Manufacturing Company located in Lawton, Oklahoma. The notice will soon be published in the **Federal Register**.

At the request of a company official, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some workers of Lawton Manufacturing Company were leased from Express Human Resources, Inc. to produce men's trousers at the Lawton plant. Based on these findings, the Department is amending the certification to include leased workers from Express Human Resources, Inc., Lawton, Oklahoma.

The intent of the Department's certification is to include all workers of Lawton Manufacturing Company adversely affected by imports.

The amended notice applicable to TA–W–33,297 is hereby issued as follows:

All workers of Lawton Manufacturing Company, Lawton, Oklahoma, engaged in employment related to the production of men's trousers; and leased workers of Express Human Resources, Inc., Lawton, Oklahoma engaged in employment related to the production of men's trousers for Lawton Manufacturing Company, Lawton, Oklahoma, who became totally or partially separated from employment on or after March 17, 1996, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of June 1997.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–16502 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than July 7, 1997.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than July 7, 1997.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 12th day of May, 1997.

Linda G. Poole,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON MAY 12, 1997

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
33,470	Vision Ease (Co.)	Ft. Lauderdale, FL	04/21/97	Ophthalmic Lenses.
33,471	London Fog Industries (UNITE)	Baltimore, MD	04/29/97	Mens' & Ladies' Raincoats.
33,472	Master Lock Co. (UAW)	Milwaukee, WI	03/07/97	Padlocks.
33,473	Falcon Industries (Wkrs)	Columbia, TN	04/24/97	Jersey Knit Activewear.
33,474	Fisher-Price (Co.)	East Aurora, NY	04/30/97	Infant Products and Toys.
33,475	Mattel Fisher Price (Co.)	Medina, NY	04/30/97	Infant Products and Toys.
33,476	Luther Gurvis Sutherland (Co.)	Haleyville, AL	04/28/97	Wood Colonial Window Grids.
33,477	Cone Mills (Wkrs)	Henrietta, NC	04/08/97	Denim Fabrics.
33,478	Brian Toggs, Inc. (Wkrs)	Hobson City, AL	04/28/97	Boys' & Girls' Hooded Sweat Jackets.
33,479	G.E. Medical Systems (Co.)	Milwaukee, WI	04/30/97	Medical Diagnostic Imaging Equipment.
33,480	Shana Knitwear, Inc. (Co.)	Greensboro, NC	05/02/97	Ladies' & Childrens' Knit Outer Garments.
33,481	Able Knitting Mills (Wkrs)	Farmingdale, NY	05/02/97	Knitted Fabric.
33,482	Vision Technologies (Wkrs)	Iron Ridge, WI	05/02/97	Computers.
33,483	Puget Sound Bureau (Wkrs)	Ketchikan, AK	04/14/97	Scaling & Grading Logs.
33,484	Cookson Pigments (Co.)	Newark, NJ	04/28/97	Pigments.
33,485	Contech Dowagiac (Wkrs)	Dowagiac, MI	05/01/97	Aluminum Rack & Pinion Housings.
33,486	Item, Ltd (Wrks)	New York, NY	05/09/97	Ladies' Apparel.

[FR Doc. 97–16501 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Labor Market Information (LMI) Cooperative Agreement.''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 25, 1997.

The Bureau of Labor Statistics is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

BLS enters into Cooperative Agreements with State Employment Security Agencies (SESAs) annually to provide financial assistance to the SESAs for the production and operation of the following LMI statistical programs: Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, Employment and Wages Report, and Mass Layoff Statistics. The Cooperative Agreement provides the basis for managing the administrative and financial aspects of these programs.

II. Current Action

The collection of information allows Federal staff to negotiate the Cooperative Agreement with the SESAs and monitor their financial and programmatic performance, and to adhere to administrative requirements imposed by regulations implementing OMB Circular A–102, as well as other grant-related regulations. The information collected is also used for planning and budgeting at the Federal level and in meeting Federal reporting requirements.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: Labor Market Information (LMI) Cooperative Agreement.

OMB Number: 1220–0079.

Affected Public: State, Local or Tribal Governments.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Collection forms	Number of respondents	Frequency	Total annual responses	Average time per response	Total hours
Work Statements	55	1	55	2–6 min	2–6.
BIF (LMI 1A, 1B)	55	1	55	1–6 hrs	55–330.
Quarterly Automated Financial Reports	48	4	192	10–50 min	32–160.
Monthly Automated Financial Reports	48	*8	384	5–25 min	32–160.
BLS Cooperative Statistics Financial Report (LMI 2A)	7	12	84	1–5 hrs	84–420.
Quarterly Status Report (LMI 2B)	1–30	4	4–120	1 hr	4–120.
Total (Ranges)	1–55		774–890	16–81 min	209–1196.
Totals (Average)	55		832	51 min	703.

*Reports are not received for end-of-quarter months, i.e., December, March, June, and September.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public accord.

Signed at Washington, D.C., this 18th day of June, 1987.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 97–16503 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Record of Examination for Hazardous Conditions

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized,

collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Record of Examination for Hazardous Conditions. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the For Further Information Contact section of this notice.

DATES: Submit comments on or before August 25, 1997.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Comments are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mr. Fesak can be reached at gfesak@msha.gov (Internet E–mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Coal mine operators are required by 30 CFR 77.1713 to conduct examinations of each active working area of surface mines, active surface installations at these mines, and preparation plants not associated with underground coal mines for hazardous conditions during each shift. A report of any hazardous conditions detected must be entered into a record book, along with a description of any corrective actions taken.

A number of potential hazards can exist at surface coal mines and facilities. Highwalls, mining equipment, travelways, and the handling of mining materials each present possible hazardous conditions. Since promulgation of 30 CFR 77.1713 in 1971, numerous miners have either lost their lives at the areas affected by the subject standard or received injuries of varying degrees of seriousness. The majority of the injuries and fatalities resulted from hazardous conditions that had not been detected or corrected.

II. Current Actions

By conducting an on-shift examination for hazardous conditions, the mine operator better guarantees a safe working environment for the miners and a reduction in accidents. Examinations for hazardous conditions are required to be conducted each shift. To do so less frequently could allow unsafe conditions to go undetected that might result in an accident.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Record of Examination for Hazardous Conditions.

OMB Number: 1219–0083.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc: 30 CFR 77.1713.

Total Respondents: 1,818.

Frequency: On occasion.

Total Responses: 616,302.

Average Time per Response: 1.5 hours.

Estimated Total Burden Hours: 924,453.

Estimated Total Burden Hour Cost: $38,827,026.

Estimated Total Burden Cost (capital/startup): $0.

Estimated Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 18, 1997.

George M. Fesak,

Director, Program Evaluation and Information Resources.

[FR Doc. 97–16496 Filed 6–23–97; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL SCIENCE FOUNDATION

Antarctic Tour Operators Meeting

The National Science Foundation announces the following meeting:

Name: Antarctic Tour Operators Meeting.

Date and Time: July 9, 1997, 9 a.m.–4:30 p.m.

Place: National Science Foundation, Room 375, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Nadene G. Kennedy, Polar Coordination Specialist, Office of Polar Programs, National Science Foundation, Arlington, VA 22230, Telephone: (703) 306–1033; Fax: (703) 306–0139.

Purpose of Meeting: Pursuant to the National Science Foundation's responsibilities under the Antarctic Conservation Act (P.L. 95–541) and the Antarctic Treaty, the U.S. Antarctic Program Managers plan to meet with Antarctic Tour Operators to exchange information concerning dates and procedures for visiting U.S. antarctic stations, review the latest Antarctic Treaty Recommendations concerning the environment and protected sites, and other items designed to protect the Antarctic environment.

Agenda

- Introduction and Overview.
- Review of 1996–97 Visits to McMurdo, Palmer and South Pole Stations.
- Tour Operator's Comments on 1996–97 Season Visits.
- 1997–98 Visits to McMurdo, Palmer and South Pole Stations.
- Report from the International Association of Antarctic Tour Operators (IAATO).
- Information Exchange, Status and Reviews.
- Presentations.
- Discussions with IAATO and EPA on development of Environmental Impact Assessments.
- Other Items.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 97–16412 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Biological Sciences: Committee of Visitors (COV) Review for Cell Biology in the Division of Molecular & Cellular Biosciences (1110).

Date and Time: Monday, July 21, through Tuesday, July 22, 1997; 8:30 a.m. to 5:00 p.m.

Place: The National Science Foundation, Room 310, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Type of Meeting: Closed.

Contact Person: Dr. Julius H. Jackson, Division Director for Molecular and Cellular Biosciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia. Telephone: (703) 306–1440.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials

Agenda: To provide oversight review of Cell Biology Program in the Division of Molecular & Cellular Biosciences.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: June 19, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16550 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee of Education and Human Resources Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee of Education and Human Resources (#1119).

Date and Time: July 10–11, 1997: 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 814, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. William Sibley, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1633.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Centers of Research Excellence in Science and Technology (CREST) Program.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: June 19, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16547 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources, Committee on Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Education and Human Resources; Committee on Visitors/#119.

Date and time: July 24, 1997 (8:00 a.m.–5:00 p.m.) and July 25, 1997 (8:00 a.m.–3:00 p.m.).

Place: National Science Foundation, 4201 Wilson Blvd., Suites 830 (7/24) and 880 (7/25), Arlington, VA.

Type of meeting: Closed.

Contact person: Dr. Luther Williams, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1600.

Purpose of meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: to review and evaluate the Statewide Systemic Initiative (SSI) Program and provide an assessment of program-level technical and managerial matters pertaining to proposal decisions and program operations.

Reason for closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: June 19, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16552 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Human Resources Development (#1199).

Date and Time: July 16, 1997: 7 p.m. to 9 p.m.; July 17, 1997: 8:30 a.m. to 5:00 p.m.; July 18, 1997: 8:30 to 4:30 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 814, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dawn M. Pickard, Senior Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone: (703) 306–1637.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review preliminary proposals for the Women and Girls program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 19, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16549 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research, Evaluation and Communication, Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Research, Evaluation and Communication (1210).

Date and Time: July 14, 1997; 8:00 a.m. to 6:00 p.m. July 15, 1997; 8:00 a.m. to 6:00 p.m. July 16, 1997; 8:00 a.m. to 6:00 p.m. July 17, 1997; 8:00 a.m. to 6:00 p.m.

Place: Room 970, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact person: Dr. Christopher Dede, Program Director, 4201 Wilson Boulevard, Room 855, Arlington, VA 22230. Telephone (703) 306–1651.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals and provide advice and recommendations as part of the selection process for proposals submitted to the Research on Education, Policy, and Practice (REPP) Program.

Reason for Closing: Because the proposals reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: June 19, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16548 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Undergraduate Education; Notice of Meetings

This notice is being published in accord with the Federal Advisory Committee Act (Pub. L. 92–463, as amended). During the period July through December, 1997, the Special Emphasis Panel will be holding panel meetings to review and evaluate research proposals. The dates, contact person, and types of proposals are as follows:

Special Empahsis Panel in Undergraduate Education (1214)

1. *Date:* July 21–24, 1997.

Contact: Herbert Richtol, Program Director, Course and Curriculum Development Program, & Susan Hixson, Program Director, Undergraduate Faculty Enhancement Program, Room 835, 703–306–1666.

Times: 7:30 p.m. to 9:30 p.m. (July 21); 8:30 a.m. to 5:00 p.m. (July 22 & July 23); 8:30 a.m. to 1:00 p.m. (July 24).

Place: Doubletree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

Type of Proposal: Course and Curriculum Development.

2. *Date:* December 8–9, 1997.

Contact: Herbert Levitan, Section Head, Institution-Wide Reform of Undergraduate Education, Room 835, 703–306–1666.

Times: 8:00 a.m. to 3:00 p.m. each day.

Place: The Latham Hotel, 3000 M Street, N.W., Washington, D.C. 20007.

Type of Proposal: Institution-Wide Reform of Undergraduate Education.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Directorate as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: June 19, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16551 Filed 6–23–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME: 9:30 a.m., Tuesday, July 1, 1997.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE DISCUSSED: 6793C Aviation Accident Report: Runway Collision, United Express Flight 5925, and Beechcraft King Air A90, Quincy Municipal Airport, Quincy, Illinois, November 19, 1996.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 314–6065.

Dated: June 20, 1997.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 97–16626 Filed 6–20–97; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

Docket No. 50–263

Northern States Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–22 issued to Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

The proposed amendment would evaluate the unreviewed safety questions associated with the increase in calculated peak suppression pool temperature and the reliance on containment pressure to compensate for the deficiency in net positive suction head for the emergency core cooling system pumps following a design basis accident.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) *The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated:*

These changes do not affect the physical configuration of the plant or how it is operated. These changes:

(1) Document the acceptability of the limiting mode of long-term post-LOCA [loss of coolant accident] containment heat removal that has been analyzed and found to be acceptable.

(2) Document the acceptability of the use of a limited amount of post-LOCA containment overpressure to assure adequate NPSH [net positive suction head] for ECCS [emergency core cooling system] pump operation.

The changes clarify the Technical Specification Bases to correctly describe the design and licensing basis for containment spray/cooling equipment and ECCS pump NPSH following a loss of coolant accident.

The original Monticello FSAR [final safety analysis report] identified the most degraded condition for containment spray/cooling equipment availability. This condition could occur following a postulated loss of offsite power and loss of one diesel generator. One RHR [residual heat removal] pump and one RHRSW [residual heat removal service water] pump would be available under these conditions. An update of the containment pressure and temperature analysis following completion of the Mark I Containment Long-term Program in the early 1980's

inadvertently assumed the availability of two RHR pumps and two RHRSW pumps. The Bases of the Monticello Technical Specifications also appears to have been written based on the availability of two RHR pumps and two RHRSW pumps for containment spray/cooling. This error in the containment pressure and temperature analysis was identified during the Monticello design basis reconstitution program and was corrected by a revised analysis.

This analysis has been revised to meet NRC Staff requirements and is being submitted for review and approval in conjunction with the Technical Specification changes proposed in this License Amendment Request. The proposed changes will correct the Bases of the Monticello Technical Specifications to clearly describe the design basis of the plant for the post-LOCA containment spray/cooling function. One RHR pump and one RHRSW pump are fully adequate for this function.

The use of containment pressure to provide a portion of the NPSH required by ECCS pumps following a loss of coolant accident was not adequately documented in the original design and licensing basis for the Monticello plant. Detailed ECCS pump NPSH analyses have been completed and submitted for NRC Staff review and approval. It is proposed that the Bases of the Technical Specifications also be corrected to document the acceptability of taking credit for a limited amount of containment overpressure for ECCS pump NPSH.

The proposed changes do not introduce new accident scenarios. These changes have no impact on the protection of the health and safety of the public. There is a small reduction in margin, as discussed in (3) below, resulting from new analyses of loss of coolant accident containment temperature and pressure response and ECCS pump NPSH requirements.

(2) *The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.*

These changes are administrative in nature and do not affect the physical configuration of the plant or how it is operated.

The changes will revise the Technical Specification Bases to correctly describe the design basis of the Monticello plant for performing the post-LOCA containment spray/cooling function and for satisfying ECCS pump NPSH requirements. They are based on new analyses submitted to the NRC Staff for their review and approval.

(3) *The proposed amendment will not involve a significant reduction in the margin of safety.*

The minimum number of RHR and RHRSW pumps assumed to be operable for long-term containment heat removal analysis has been reduced from the number assumed to be operable in earlier licensing documentation provided to the NRC for review.

In addition, analyses of ECCS pump NPSH requirements take credit for containment pressure under some conditions. The original Monticello licensing basis documentation reviewed by the NRC Staff did not clearly state that containment pressure was necessary to assure adequate ECCS pump NPSH.

The reduction in the number of RHR and RHRSW pump used for containment cooling results in an increase in suppression pool temperature. This temperature increase, and the limited dependence on containment pressure to ensure adequate ECCS pump NPSH, are considered to be reductions in margin.

The new containment long-term heat removal and ECCS pump NPSH analyses provided with this License Amendment Request use input assumptions which conservatively model the phenomena involved. An updated computer code and decay heat model are used in a conservative manner at an assumed power level of 112.5% (1880 Mwt [megawatts thermal]) of license reactor power in the new analyses. Appropriate baseline and benchmark analyses have been performed. An increase in long-term peak suppression pool temperature from 182 °F to 194.2 °F is predicted for the limiting configuration of one RHR and one RHRSW pump. A reanalysis of torus attached piping, RHR room temperature, and environment qualification considerations for operation with the higher suppression pool temperature was completed with satisfactory results. It is concluded that one RHR pump and one RHRSW pump provide adequate margins for long-term containment cooling.

Analyses were performed to evaluate the NPSH adequacy for Monticello ECCS pumps for a broad range of pump combinations and failure modes. The minimum containment pressure available and the containment pressure required to satisfy NPSH requirements was calculated for each limiting combination of pumps. It was concluded that proper operation of the ECCS pumps is assured under all conditions following a loss of coolant accident.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 24, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a

petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 23, 1997, as supplemented January 28, March 4, and June 19, 1997, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 20th day of June 1997.

For the Nuclear Regulatory Commission.

Tae Kim,

Senior Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–16648 Filed 6–20–97; 12:00 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–259, 50–260, and 50–296]

Tennessee Valley Authority; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Tennessee Valley Authority (the licensee) to withdraw its October 7, 1994 application for proposed amendment to Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 for the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3, located in Limestone County, Alabama.

The proposed amendment would have revised surveillance requirements associated with emergency diesel generators.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 23, 1994 (59 FR 60387). However, by letter dated June 4, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 7, 1994, and the licensee's letter dated June 4, 1997, which withdrew the application for license amendment. The above

documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Athens Public library, 405 E. South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland, this 18th day of June 1997.

For the Nuclear Regulatory Commission.

Joseph F. Williams,

Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–16485 Filed 6–23–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on July 9–11, 1997, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Thursday, January 23, 1997 (62 FR 3539).

Wednesday, July 9, 1997

8:30 a.m.–8:45 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 a.m.–10:15 a.m.: Meeting with the Director of the NRC Office of Nuclear Reactor Regulation (NRR) (Open)—The Committee will hear presentations by and hold discussions with the NRR Director on items of mutual interest, including low-power and shutdown operations risk, NRR research needs, status of fire inspection program, use of risk-informed, performance-based process for prioritizing compliance issues, and coordination of ACRS review of NRR activities.

10:30 a.m.–12:00 noon: Acceptance Criteria for Plant-Specific Safety Goals and Deriving Lower-Tier Acceptance Criteria (Open)—The Committee will hear a presentation by and hold discussions with the ACRS Senior Fellow regarding the results of his analysis performed to determine the site-specific changes in core damage frequency and large, early release frequency, when these lower-tier criteria are derived from the prompt fatality quantitative health objectives.

Representatives of the NRC staff will participate.

1:00 p.m.–2:30 p.m.: Proposed Standard Review Plan Section and Regulatory Guide for Risk-Informed, Performance-Based Inservice Inspection (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed Standard Review Plan Section and Regulatory Guide for risk-informed, performance-based inservice inspection.

2:45 p.m.–3:45 p.m.: Meeting with NRC Commissioner McGaffigan (Open)—The Committee will meet with NRC Commissioner McGaffigan to discuss items of mutual interest, including ACRS activities and NRC research.

4:00 p.m.–6:00 p.m.: Proposed Final Modifications to 10 CFR Part 26, Fitness-For-Duty Program Requirements (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed final modifications to fitness-for-duty program requirements.

6:15 p.m.–7:15 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting as well as a proposed ACRS report on the use of risk-informed, performance-based process for prioritizing compliance issues.

Thursday, July 10, 1997

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 a.m.–10:30 a.m.: Halden Reactor Project (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and its contractors regarding the ongoing and planned work at the OECD Halden Reactor Project in the areas of human factors, instrumentation and control systems, software quality, and reactor fuels.

[Note: A portion of this session may be closed to discuss information provided in confidence by a foreign source.]

10:45 a.m.–12:15 p.m.: Use of RASCAL Code During Incident Response (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the use of the RASCAL code to calculate off-site doses.

1:15 p.m.–1:45 p.m.: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Sub-committee regarding items proposed for consideration by the full Committee during future meetings.

1:45 p.m.–2:00 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports. The EDO responses are expected to be provided to the Committee prior to the meeting.

2:00 p.m.–7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Friday, July 11, 1997

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: NUREG/CR–6372, Recommendations for Probabilistic Seismic Hazard Analysis; Guidance on Uncertainty and Use of Experts (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and its contractors regarding NUREG/CR–6372.

10:15 a.m.–11:00 a.m.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, qualifications of candidates nominated for appointment to the ACRS, and organizational and personnel matters relating to the ACRS.

[**Note:** A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

11:00 a.m.–12:00 Noon: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

1:00 p.m.–3:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting.

3:15 p.m.–4:00 p.m.: Strategic Planning (Open)—The Committee will continue its discussion of items of significant importance to NRC,

including rebaselining of the Committee activities for FY 1998.

4:00 p.m.–4:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1996 (61 FR 51310). In accordance with these procedures, oral or written statements may be presented by members of the public and nuclear industry, electronic recordings will be permitted only during the open portions of the meeting, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Sam Duraiswamy, Chief, Nuclear Reactors Branch, at least five days before the meeting, if possible, so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief of the Nuclear Reactors Branch prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Chief of the Nuclear Reactors Branch if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Public Law 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6), and to discuss information provided in confidence by a foreign source per 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Sam Duraiswamy, Chief, Nuclear Reactors Branch (telephone 301/415–7364), between 7:30 a.m. and 4:15 p.m. EDT.

ACRS meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the ''NRC MAIN MENU.'' Direct Dial Access number to FedWorld is (800) 303–9672 or ftp.fedworld. These documents and the meeting agenda are also available for downloading or reviewing on the internet at http://www.nrc.gov/ACRSACNW.

Dated: June 18, 1997.

Andrew L. Bates,

Advisory Committee Management.

[FR Doc. 97–16483 Filed 6–23–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of June 23, 30, July 7 and 14, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 23
Wednesday, June 25
10:00 a.m. Briefing on Operating Reactors and Fuel Facilities (Public Meeting) (Contact: William Dean, 301–415–1726)
11:30 a.m. Affirmation Session (Public Meeting) (if needed)
2:00 p.m. Briefing on Salem (Public Meeting) (Contact: John Zwolinski, 301–415–1453)
Week of June 30—Tentative
Thursday, July 3
11:30 a.m. Affirmation Session (Public Meeting) (if needed)
Week of July 7—Tentative
Tuesday, July 8
3:30 p.m. Affirmation Session (Public Meeting) (if needed)
Week of July 14—Tentative
Thursday, July 17
2:30 p.m. Meeting with NRC Executive Council (Public Meeting) (Contact: James L. Blaha 301–415–1703)
4:00 p.m. Affirmation Session (Public Meeting) (if needed)

*The Schedule for Commission Meetings Is Subject To Change on Short Notice.

To Verify the Status of Meetings Call (Recording)—(301) 415–1292. Contact Person for More Information: Bill Hill (301) 415–1661.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule/htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

Dated: June 19, 1997.

Annette Vietti-Cook,

Assistant Secretary of the Commission.

[FR Doc. 97–16610 Filed 6–20–97; 10:37 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–508 and 50–509]

Intent To Relocate Local Public Document Room

Notice is hereby by given that the Nuclear Regulatory Commission (NRC) will be relocating the local public document room (LPDR) for records pertaining to Washington Public Power Supply System's Washington Nuclear Units 3 and 5 (WPPSS) site located in Satsop, Washington. The WPPSS LPDR is currently located at the W. H. Abel Memorial Library, 125 Main Street, Montesano, Washington. Library staff informed the NRC that they no longer wish to maintain the document collection and request that it be moved. This notice invites public comment on possible LPDR locations in the Satsop, Washington, area.

Among the factors the NRC will consider in selecting a new location for the LPDR are the following:

(1) Whether the institution is an established document repository located near the nuclear facility with a history of impartially serving the public;

(2) The physical facilities available, including shelf space, storage space, patron workspace, copying equipment and computer access;

(3) The willingness and ability of the library staff to maintain the LPDR collection and assist the public in locating records;

(4) The nature and extent of related research resources, such as government documents;

(5) The public accessibility of the library, including handicap

accessibility, parking, ground transportation, and hours of operation, particularly evening and weekend hours;

(6) The proximity of the library to existing user groups of the collection, if known.

Comment period expires July 8, 1997. Written comments may be submitted to Mr. David Meyer, Chief, Regulatory Publications Branch, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, Gelman Building, 2120 L Street NW, Washington, DC.

Questions concerning the NRC's LPDR Program should be addressed to Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information/Local Public Document Room Branch, Office of Information Resources Management, U. S. Nuclear Regulatory Commission, Washington, DC 20555, telephone number 301–415–7170, or toll-free 1–800–638–8081.

Dated at Rockville, Maryland, this 18th day of June, 1997.

For the Nuclear Regulatory Commission.

Russell A. Powell,

Chief, Freedom of Information/Local Public Document Room Branch, Office of Information Resources Management.

[FR Doc. 97–16486 Filed 6–23–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–255, 50–266, 50–301, 50–313, 50–368, 72–5, 72–7, 72–13, and 72–1007]

Consumers Power Company (Palisades Nuclear Plant), Wisconsin Electric Power Company (Point Beach Nuclear Plant, Units 1 and 2), Entergy Operations, Inc. (Arkansas Nuclear One, Units 1, and 2); Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, has issued a Director's Decision concerning a Petition dated October 18, 1996, filed by Don't Waste Michigan and the Lake Michigan Federation (Petitioners) under Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). The Petition requested that the U.S. Nuclear Regulatory Commission order all users of Ventilated Storage Casks (VSC–24) systems to refrain from loading any casks until the certificate of compliance (COC), safety analysis report (SAR), and safety evaluation report (SER) are amended to include operating controls and limits to prevent hazardous conditions. Such conditions include the generation of explosive gases, caused by the interaction between the VSC materials and the environments, encountered during loading, storage, and unloading.

Further, Petitioners claim the VSC–24 should not be used until: (i) An independent third-party review team has examined the safety issues they raise; (ii) the potential impacts of all material aspects of the casks have been fully assessed; (iii) there is experimental verification of temperature calculations and heat transfer assessments and other design assumptions; (iv) the safety of the material coatings on components and structures has been justified; and (v) the SAR, SER, and COC are amended to include the necessary operating control and limits to direct safe use of the VSC–24.

The Director of the Office of Nuclear Material Safety and Safeguards has determined that the Petition should be denied for the reasons stated in the ''Director's Decision Under 10 CFR 2.206'' (DD–97–15), the complete text of which follows this notice. The decision and documents cited in the decision are available for public inspection and copying in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

A copy of this decision has been filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided therein, this decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the decision within that time.

Dated at Rockville, Maryland, this 18th day of June, 1997.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Acting Director, Office of Nuclear Material Safety and Safeguards.

Director's Decision Under 10 CFR 2.206

[DD–97–15]

I. Introduction

On October 18, 1996, Don't Waste Michigan and the Lake Michigan Federation (Petitioners) filed a Petition pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) requesting that the U.S. Nuclear Regulatory Commission take the following action:

Prohibit loading of Ventilated Storage Casks (VSC–24s) until the certificate of compliance (COC), the Safety analysis report (SAR), and the safety evaluation report (SER) are amended following an independent, third-party review of the VSC–24 design, to address concerns raised by the Petitioners' engineering consultant, Dr. Rudolf Hausler.

The Petition has been referred to me pursuant to 10 CFR 2.206. By letter dated December 10, 1996, to Dr. Mary Sinclair and Ms. Eleanor Roemer, on behalf of the Petitioners, NRC acknowledged receipt of the Petition and provided the NRC staff's determination that the Petition did not require immediate action by the NRC. Notice of receipt was published in the **Federal Register** on January 13, 1997 (62 FR 1783).

On the basis of the NRC staff's evaluation of the issues and for the reasons given below, I have determined that the Petitioners' request should be denied.

II. Background

On May 28, 1996, a hydrogen gas ignition occurred during the welding of the shield lid after spent fuel had been loaded into a VSC–24 at the Point Beach Nuclear Plant. The hydrogen was formed by a chemical reaction between a zinc-based coating (Carbo Zinc 11) and the borated water in the spent fuel pool. On June 3, 1996, the NRC issued confirmatory action letters (CALs) to those licensees using or planning to use VSC–24s for dry storage of spent nuclear fuel, i.e., licensees for Point Beach Nuclear Plant, Palisades Nuclear Generating Plant, and Arkansas Nuclear One (ANO). The CAL issued to the licensee for ANO was supplemented on June 21, 1996, and the CALs issued to the licensees for Point Beach and Palisades were supplemented on June 27, 1996. The CALs, as supplemented, documented the licensees' commitments not to load or unload a VSC–24 without resolution of material compatibility issues identified in a forthcoming general communication and subsequent NRC confirmation of corrective actions taken by the licensees. The generic communication was issued on July 5, 1996, in the form of NRC Bulletin 96–04, ''Chemical, Galvanic, or Other Reactions in Spent Fuel Storage and Transportation Casks.'' NRC Bulletin 96–04 notified addressees about the potential for adverse chemical, galvanic, or other reactions among the materials of a spent fuel storage or transportation cask, its contents, and the environments the cask may encounter during use. The actions requested in Bulletin 96–04 included reviewing the cask materials for potential adverse reactions, evaluating the short-term and long-term effects of any identified reactions, and

determining the adequacy of cask operating procedures to minimize the consequences of any identified reactions. The NRC staff has acknowledged that the event demonstrated that the cask vendor's (Sierra Nuclear Corporation) SAR for the VSC–24 and related NRC review, as documented in the NRC staff's SER, did not adequately address the use of a zinc-based coating and its reaction with the acidic water in spent fuel pools.

In response to Bulletin 96-04 and to subsequent NRC staff inquiries, the licensees for ANO, Point Beach, and Palisades submitted to the NRC evaluations of possible material interactions and the effects of such interactions on cask performance and operation. The licensees also submitted information on the operating controls and limits that were implemented to prevent hazardous conditions which may result from adverse material interactions. The operating controls and limits included controls for the environments that the casks encounter during use, requirements for inspections and environmental sampling, and additional precautions for various cask operations.

The NRC staff evaluated the responses submitted by the licensee for ANO. As documented in the staff's safety evaluation dated December 3, 1996, the staff determined that the licensee's submittals provided the necessary level of confidence that the VSC–24 can be used to safely store spent fuel over the 20-year period of the certificate. The staff also determined that the operating controls and limits proposed by the licensee are acceptable and satisfy regulatory requirements. By a separate letter, also dated December 3, 1996, the staff informed the licensee for ANC that its corrective actions had been verified by inspections performed by the NRC staff. Shortly thereafter, the licensee initiated cask loading activities.

The NRC staff also evaluated the responses submitted by the licensees for Point Beach and Palisades. As documented in the staff's safety evaluations dated respectively April 8, 1997, and June 12, 1997, the staff determined that the licensees evaluations and proposed operating controls and limits are acceptable and satisfy regulatory requirements. However, the CALs placed on Point Beach and Palisades still remain in place until an NRC inspection is performed to verify that the licensees' corrective actions are properly implemented.

III. Discussion

The Petition requests an NRC order to users of VSC–24s not to load additional casks until: (1) The COC, SAR, and SER are amended to contain operating controls and limits to prevent hazardous conditions; (2) an independent third-party review team has examined the safety issues raised by the Petitioners; (3) the potential impacts of all material aspects of the casks have been fully assessed; (4) there is experimental verification of temperature calculations and heat transfer assessments and other design assumptions; and (5) the safety of the material coatings on components and structures has been justified.

Item 1: Prohibit Loading of VSC–24s Pending Amendment of Documents

As noted in the NRC letter to the Petitioners on December 10, 1996, the Petitioners' request to amend the COC, SAR, and SER is similar to a request made by the Citizen's Utility Board (CUB) in a Petition dated September 30, 1996. The NRC staff denied the CUB petition on April 17, 1997, for the reasons that are identical to the reasons stated here in denying the first part of the Petitioners' request.

The circumstances set forth above made clear that, following the event at Point Beach, the NRC staff recognized that additional evaluation of potential material interactions was warranted for all spent fuel transportation and storage casks. In regard to the VSC–24, the event and subsequent NRC inspections made it apparent that actual changes in the operating procedures or the design of the cask would be necessary. CALs were issued to confirm licensees' commitments to refrain from loading VSC–24s pending completion of the NRC staff's review of the responses to Bulletin 96–04 and verification of the associated corrective actions. As discussed, the CALs established a process by which the NRC staff could obtain confidence that operating controls and limits to address potential hazardous conditions are developed and implemented by each licensee using VSC–24s.

In particular, the CAL process ensures that licensees will incorporate the necessary operating controls and limits into revised plant procedures. Moreover, under existing NRC requirements, the licensee must adequately implement those revised procedures. For this reason, no changes to the COC or SAR are needed to ensure that enforceable operating controls and limits are in place to address potential hazardous conditions during the loading or unloading of a cask. Further, as previously indicated, the NRC staff has documented the process, information, and results of its review of the licensees' responses to Bulletin 96–04 for use of the VSC–24 at ANO, Point Beach, and Palisades in safety evaluations available for public review.

Although the actions taken as part of the CAL process provide adequate assurance that technical and regulatory compliance issues raised by the event at Point Beach will be resolved before a licensee loads or unloads a VSC–24, the NRC staff agrees with the Petitioners that it would be beneficial if the SAR and other licensing basis documents accurately describe the identified chemical reaction and the associated operating controls and limits. The NRC staff is currently reviewing a proposed amendment to the SAR and COC for the VSC–24 design and will ensure that the information related to the identified chemical reaction and associated operating controls is adequately addressed in the appropriate licensing-basis documents. In addition, the NRC staff is processing a petition for rulemaking, PRM–72–3, that may lead to additional updating of independent spent fuel storage installation SARs and the inclusion of information on operating controls and limits implemented as a result of the event at Point Beach. However, the previously discussed controls to be implemented by the licensees and verified by the staff as part of the CAL process, and the enforceability of those controls under existing NRC requirements, make it unnecessary to require revision of the specific licensing documents cited by the Petitioners as a precondition for resuming cask operations at the facilities using VSC–24s. Therefore, there would be no regulatory basis for granting the first part of the Petition to require amendment of the COC, SAR, or SER before further loading of VSC–24s.

Item 2: Prohibit Loading of VSC–24s Pending Independent, Third-Party Review

Petitioners request the NRC to prohibit loading of VSC–24s until the COC, SAR and SER are amended following an independent, third-party review to address concerns raised by the Petitioners. The NRC staff performed a review of the VSC–24 design prior to certification in 1993. As a result of the review, the staff determined that the design and operation of the cask system is in compliance with 10 CFR Part 72. The staff also concluded, with a high degree of assurance, that the VSC–24 will safely store spent fuel over the 20–year period of the certificate. Notwithstanding the staff's review and

determination in 1993, the Petitioners are claiming that a new, independent review is needed before further VSC–24s are loaded.

While the event at Point Beach revealed the need for additional evaluation by licensees and NRC of potential material interactions in the VSC–24 (and other transportation and storage casks), the actions already taken, in the staff's judgment, provide an adequate response. In particular, Bulletin 96–04 was issued to request additional information from licensees using the VSC–24 on material interactions and compatibility in the VSC–24 and on the corrective actions implemented. The NRC staff then received and reviewed the responses submitted by the licensees for ANO, Point Beach, and Palisades. The staff's reviews (as well as the licensees') have been exhaustive and were performed by an inter-disciplinary team of engineers knowledgeable in materials, corrosion, metallurgy, chemistry, structural engineering, heat transfer, nuclear engineering, and other technical fields needed to perform the review. The results of the staff's reviews, including the necessary corrective actions, are documented and justified in the staff's December 3, 1996, April 8, 1997, and June 12, 1997, safety evaluations. These corrective actions include: cleanliness checks before placing the cask in the spent fuel pool, venting and monitoring of the air space beneath the VSC–24 shield lid during welding or cutting activities, discontinuing welding or cutting should the hydrogen concentration exceed 0.4% by volume (10% of the minimum amount necessary for a combustible concentration), and sampling the boron concentration in the spent fuel pool and multi-assembly sealed basket (MSB) water. While the staff agreed that the corrective actions were necessary to prevent hazardous conditions during the loading and unloading of VSC–24s, the information submitted by the Petitioners does not raise any new issues or provide any reason for the staff to question its conclusion that the VSC–24 will safely store spent fuel over the 20-year period of the certificate.

In reaching this conclusion, the NRC staff evaluated the specific concerns raised by the Petitioners related to the design of the VSC–24. The staff believes that these concerns have already been addressed by the recent evaluations submitted in response to Bulletin 96–04, by information submitted to NRC to support the certification of the VSC–24 design in 1993, or by other information submitted in support of NRC review and inspection activities. Each of the Petitioners's specific concerns is addressed below.

(i) The Petitioners claim that the cask design allows for fuel elements to be in contact with the zinc primer creating a galvanic couple which will accelerate the corrosion of the zinc. The NRC staff considered galvanic effects between the Zircaloy fuel rods and the Carbo Zinc 11 coating. The staff agrees that a galvanic effect would increase the corrosion rate of the zinc, with a corresponding increase in the hydrogen gas generation rate, as the zinc in the Carbo Zinc 11 coating is polarized to a more active potential. However, in the VSC–24 design, several factors reduce the amount of zinc polarization such that there would not be a significant increase in hydrogen generation. One factor is the contact resistances between the stainless steel fuel assembly end-fittings and the Zircaloy fuel rods and between the end-fittings and the Carbo Zinc 11 paint. Another factor is the geometry of the VSC–24 and the fuel assemblies. The fuel assemblies are placed in fuel storage sleeves with a clearance of approximately 0.1 inch to 0.5 inch between the sides of the fuel assembly and the sleeves. This clearance and the physical design of the fuel assemblies create shielding between the fuel rod surfaces and the Carbo Zinc 11 coating. This shielding effectively reduces the galvanic action between the Zircaloy fuel rods and the Carbo Zinc 11 coating. The Zircaloy fuel rods could contact the Carbo Zinc coated sleeves if the fuel assembly is not centered in the storage sleeves or if the fuel rods are bowed. However, the shielding effect and small Carbo Zinc/Zircaloy contact area would still prevent significant galvanic action. Hydrogen concentration measurements made at Point Beach and the hydrogen monitoring performed at ANO during loading of a VSC–24 in December 1996 (NRC Inspection Report Nos. 50–313/96–25 and 72–13/96–02) support the conclusion that significant galvanic action between the Zircaloy and zinc coating, and hence, increased hydrogen generation, is not occurring in the VSC–24. In addition, even if there was an increase in hydrogen generation because of the galvanic action, the staff has determined that the controls implemented by the licensees for ANO and Point Beach would prevent accumulation of a combustible concentration of hydrogen and its ignition. The staff will also review and verify the adequacy of the controls implemented by the licensee for Palisades.

(ii) The Petitioners claim that there were numerous discrepancies in the responses to Bulletin 96–04. As noted, the NRC staff completed its review of responses for ANO, Point Beach, and Palisades. The staff found these responses to be acceptable and found no discrepancies of concern. There were minor differences in the operating controls implemented at the three facilities. However, the staff reviewed these controls and concluded that all three sets of controls are adequate to preclude hazardous conditions during cask operation.

(iii) The Petitioners claim that the epoxy-coating applied to the exterior of the Multi-Assembly Sealed Basket (MSB) could not withstand the temperatures developed during long-term storage. Technical data on the type of epoxy coating used on the MSB were provided by the licensees in their responses to Bulletin 96–04. The data show that the epoxy is temperature-resistant up to 350°F. The SAR for the VSC–24 (which the staff reviewed and accepted prior to certification in 1993) shows that under normal or off-normal storage conditions, the temperature of the MSB exterior will not exceed 300°F. for the maximum allowable heat load of 24 kW and, therefore, will not degrade the epoxy.

(iv) The Petitioners claim that the low-temperature specification in the COC for moving the VSC–24 MSB was not properly translated to the MSB shell material compositions. Low-temperature embrittlement of the MSB shell material was evaluated by the NRC staff during its safety review before certification of the VSC–24. The composition of the MSB shell material (SA516, Grade 70 carbon steel) is specified in the American Society for Mechanical Engineers, Boiler & Pressure Vessel Code, Section II, SA–516, ''Specification for Pressure Vessel Plates, Carbon Steel, for Moderate- and Lower-Temperature Service.'' The impact testing requirements for the MSB material are found in American Society for Testing and Materials Specification A370 (ASTM A370). ''Methods and Definitions for Mechanical Testing of Steel Products.'' As specified in the COC, SER, and SAR, each MSB shell material must be shown, during fabrication, by Charpy test per ASTM A370, to have 15 ft-lbs of absorbed energy at −50 °F. Further, movement of the MSB must occur only at ambient temperatures of 0 °F or above to avoid potential brittle fracture of the MSB material.[1] The NRC staff considers the

[1] At Palisades, the licensee has administratively set a minimum ambient temperature of 10 °F for moving the first four MSBs (CMSB–01 through –04) to be loaded because the shell material for these MSBs does not have 15 ft-lbs of absorbed energy at

Continued

50 °F temperature difference to provide sufficient margin because it places the MSB material at a temperature that is significantly above the temperature where brittle fracture could occur. It should also be noted that the temperature of the MSB shell itself would actually be substantially higher than the ambient temperature (e.g., 20°F for 25-year-old fuel), thus providing an even higher margin. In addition, it is highly unlikely that any MSB movement activity would take place at temperature below 0°F.

(v) The Petitioners claim that zinc-steel interaction at 800 °F to 1000 °F and possible steel embrittlement over a 20-year period were not considered. Zinc-steel interaction at the 800 °F to 1000 °F temperature range was not considered and is not a concern because, as documented in the VSC–24 SAR, temperatures in the MSB will not reach 800 °F during storage. Maximum temperatures would be 688 °F under normal conditions and 708 °F under off-normal conditions, for the maximum allowable heat load of 24 kW. Furthermore, over the storage period, the temperatures within the MSB will continue to decrease as the heat load decreases due to the decay of the spent fuel.

(vi) The Petitioners claim that the effect of molten zinc on Zircaloy has not been verified experimentally. The NRC staff evaluated the durability and behavior of the zinc coating under the range of storage temperatures. The presence of molten zinc is not expected under the storage temperatures and conditions, thus the effect of molten zinc on Zircaloy is not a concern. However, as documented in the staff's safety evaluations for ANO (dated December 3, 1996), Point Beach (dated April 8, 1997), and Palisades (dated June 12, 1997), the staff did evaluate the potential interaction between zinc vapor and Zircaloy and the effect of this interaction. Based on the information provided in the responses to Bulletin 96–04, the staff concluded that the potential interaction between zinc vapor and Zircaloy presented no immediate or long-term safety concern for the spent fuel stored in the VSC–24.

(vii) The Petitioners claim that the vacuum-drying process does not seem to have been experimentally verified. Vacuum drying is a well-established, widely used method for removing moisture from spent fuel storage and transportation casks. The process used for the VSC–24 is a common process, which the NRC staff evaluated and determined to be acceptable during the safety review before certification in 1993. In the staff's judgment, experimental testing to verify a well-established process is unnecessary.

(viii) The Petitioners claim that the thermal analyses for the VSC–24 have not been experimentally verified. The thermal analyses for the VSC–24 contained conservative key assumptions, including a total heat generation of 1 kW per assembly (a total of 24 kW per cask). This assumption is conservative because it is highly unlikely that each assembly loaded in the cask will generate 1 kW of heat. In addition, the assembly and total cask heat loads will continually decrease over time as the spent fuel decays. In light of the conservatisms in the thermal analyses, the staff does not see the need for requiring experimental verification of the VSC–24 thermal analyses. Nevertheless, the COC requires that a thermal test be performed on the first VSC–24 to be loaded. The purpose of the test is to measure the heat removal performance of the VSC–24 system. The licensee for Palisades performed such a test and summarized its results in a letter to NRC dated June 10, 1993. The temperatures measured during the test were lower than the predicted temperatures. The results thus indicate that the VSC–24 performs its intended heat removal function. The thermal test at Palisades was performed with a 12 kW heat load. To date, no VSC–24s have been loaded with greater than 12 kW heat load. As required by the COC, the thermal test must be performed for the first cask to use any higher heat loads, up to 24kW.

The NRC staff believes, based on the foregoing, that an independent, third-party review is not warranted by the Petitioners' specific concerns. However, NRC review activities relating to the VSC–24 will nonetheless continue. In particular, NRC inspection activities at the facilities operated by the licensees, the VSC–24 vendor, and the VSC–24 fabricators may lead to additional reviews of the VSC–24. In addition, the staff is currently reviewing a proposed amendment, submitted by the VSC–24 vendor, to the SAR and COC for the VSC–24 design. This review will be performed in accordance with the staff's ''Standard Review Plan for Dry Cask Storage Systems'' (NUREG–1536) to ensure the thoroughness, quality, and consistency of the review. Where relevant, recent operational, technical, and safety issues related to the VSC–24 design will be considered by the staff in this review.[2]

In addition, it is my judgment that the NRC staff is fully capable of fulfilling the responsibility for reviewing, approving, and certifying dry cask storage systems to be used under 10 CFR Part 72 which, by law, belongs to the NRC. In conducting its review, the NRC staff must have reasonable assurance that the cask system will safely store spent fuel over the period of the certificate. Further, the staff will assign the necessary resources and expertise to perform such reviews. When the NRC staff lacks either the resources or expertise to perform all or portions of the review in-house, the NRC may, and does, supplement its own ranks by using outside specialists.

Item 3: Prohibit Loading of VSC–24s Pending Assessment of Cask Materials

Petitioners request the NRC to prohibit loading of VSC–24s until the potential impacts of all material aspects of the casks have been fully assessed. As previously stated, Bulletin 96–04 was issued to request information on material interactions and compatibility in spent fuel storage and transportation casks. In response to this request, the licensees for ANO, Point Beach, and Palisades submitted evaluations on possible material interactions in the VSC–24 and the effects of such interactions on cask performance and operation. The only significant material interaction identified was between the zinc-based coating and the borated spent fuel pool water. As previously discussed, the operating controls and limits put in place by the licensees provide an adequate level of confidence to prevent the adverse effects of this interaction (generation and possible ignition of hydrogen gas and possible depletion of boron in the water). The staff reviewed these evaluations and, based on the information provided, concluded that none of the identified material interactions would adversely affect the VSC–24's ability to safely store spent fuel over the 20-year period of the certificate. The results of the staff's reviews are documented in the staff's December 3, 1996, April 8, 1997, and June 12, 1997, safety evaluations for ANO, Point Beach, and Palisades, respectively.

−50 °F. Rather, these MSBs have 15 ft-lbs of absorbed energy at −40 °F. Thus, to retain the 50 °F temperature margin, the licensee has restricted movement of these four MSBs to an ambient temperature of 10 °F or above. The NRC staff has reviewed and approved the licensee's administrative limit, as documented in NRC safety evaluation dated September 26, 1995.

[2] Recent concerns relating to the MSB closure welds, as documented in NRC Inspection Report No. 72–1007/97–204, dated April 15, 1997, may result in further evaluations of the VSC–24 design and, if necessary, appropriate regulatory action to ensure continued safe use of the VSC–24.

Item 4: Prohibit Loading of VSC–24s Pending Experimental Verification of Thermal and Other Design Assumptions

Petitioners request the NRC to prohibit loading of VSC–24s until there is experimental verification of temperature calculations and heat transfer assessments and other design assumptions. The thermal and other engineering and design analyses for the VSC–24 contained conservative key assumptions which are discussed in the SAR and SER. In addition, the acceptance criteria for these analyses have margins of safety that the staff considers to be sufficient. In light of the conservatisms and safety margins in the thermal and other analyses, the staff does not see the need for requiring experimental verification of the thermal and other design assumptions used in evaluating the VSC–24.

Item 5: Prohibit Loading of VSC–24s Pending Assessment of Material Coatings

Petitioners request the NRC to prohibit loading of VSC–24s until the safety of the material coatings on components and structures has been justified. As discussed above, material interactions within the VSC–24 and their effect on cask operations and performance were evaluated by the licensees in response to Bulletin 96–04 and reviewed by the staff. Specifically, the licensees evaluated, and the staff reviewed, the use of the zinc-based coating, its reaction with borated water and other cask environments, and the effect of the reaction or reaction products on cask operations and on the performance of the various cask components and structures. The staff concluded that use of existing VSC–24s with the zinc-based coating is acceptable in light of the operating controls and limits for preventing hazardous conditions that must be properly implemented by licensees during cask loading and unloading. Based on the information provided, the staff also concluded that neither the coating itself, nor its reaction with borated water or other cask environments, would have an adverse effect on the performance of the cask components or structures during the period of spent fuel storage.

IV. Conclusion

The Petitioners requested that the NRC prohibit loading of VSC–24s until the COC, SAR, and SER are amended to contain operating controls and limits to prevent hazardous conditions. After reviewing each of the Petitioners' claims, I conclude that, for the reasons discussed above, no adequate basis exists for granting the Petitioners' request to prohibit licensees' use of the VSC–24 for dry cask storage of spent nuclear fuel at Palisades, Point Beach, or ANO pending: (1) Revision of the SAR, SER, and COC for the VSC–24 to contain operating controls and limits to prevent hazardous conditions: (2) an independent third-party review to examine the safety issues raised by the Petitioners; and (3) experimental verification of temperature calculations and heat transfer assessments and other design assumptions. Furthermore, I conclude that the Petitioners' other two requests, an assessment of potential impacts of VSC–24 material aspects and a safety justification of material coatings on components and structures, have already been fulfilled through the staff's review of the licensees' responses to Bulletin 96–04.

A copy of this decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c).

As provided by this regulation, this decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 18th day of June, 1997.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Acting Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–16484 Filed 6–23–97; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

Sunshine Act Meeting

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: 10:30 a.m., Thursday, July 10, 1997.

PLACE: Conference Room, 1333 H Street, NW., Suite 300, Washington, DC 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED: To discuss and vote on the Postal Rate Commission Budget for FY 1998 and election of a Vice Chairman.

CONTACT PERSON FOR MORE INFORMATION: Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW., Washington, DC 20268–0001, Telephone (202) 789–6840.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 97–16579 Filed 6–19–97; 4:29 pm]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–9933]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Amerac Energy Corporation, Common Stock, $0.05 Par Value)

June 18, 1997.

Amerac Energy Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Boston Stock Exchange, Inc. (''BSE'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Security is also listed on the American Stock Exchange, Inc. (''Amex'') effective March 18, 1997 and an application on Form 8–A for registration of the Security on the Amex was declared effective by the Commission on March 5, 1997. The Company cannot justify the expense of being listed on two exchanges and thereby, wishes to withdraw from the BSE.

Any interested person may, on or before July 10, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–16536 Filed 6–23–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–10824]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Borland International, Inc., Common Stock, $.01 Par Value)

June 18, 1997.

Borland International, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Pacific Exchange (''PCX'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Security is also listed on the Nasdaq National Market which was declared effective by the Commission and commenced trading on December 19, 1989. In order to reduce costs and administrative duties the Company has decided to list its securities only on the Nasdaq National Market. The Company has complied with the rules of the PCX by requesting delisting of the Security. The PCX has raised no objection to the Company's request.

Any interested person may, on or before July 10, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–16535 Filed 6–23–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–13158]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (The Great Train Store Company, Common Stock, $0.01 Par Value)

June 18, 1997.

The Great Train Store Company (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Pacific Exchange (''PCX'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company has registered its Security for inclusion on the Nasdaq National Market effective on April 17, 1997. The Security began trading at the opening of business on April 29, 1997.

In making the decision to withdraw its Security from listing on the Exchange, the Company considered (i) the direct and indirect costs and expenses associated with maintaining a listing on the Exchange concurrently with the Company's inclusion in the Nasdaq National Market; and (ii) the possibility that the dual listing would fragment the market for the Company's securities.

According to the Company, it has complied with rules of the PCX by filing with such Exchange a copy of the resolution adopted by the Company's Board of Directors authorizing the withdrawal of its security from listing on the PCX and by setting forth in detail to such Exchange the reasons for such proposed withdrawal, and the facts in support thereof.

Any interested person may, on or before July 10, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–16537 Filed 6–23–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [To be Published].

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: To be Published.

CHANGE IN THE MEETING: Additional Item.

The following item will be considered at a closed meeting scheduled to be held on Tuesday, June 24, 1997, at 2:30 p.m.:

Formal order of investigation.

Commissioner Johnson, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary (202) 942–7070.

Dated: June 19, 1997.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–16628 Filed 6–20–97; 11:16 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #2955]

State of Louisiana

Ouachita Parish and the contiguous Parishes of Caldwell, Jackson, Lincoln, Morehouse, Richland, and Union in the State of Louisiana constitute a disaster area as a result of damages caused by severe storms and tornadoes which occurred on May 27–28, 1997. Applications for loans for physical damage may be filed until the close of business on August 14, 1997 and for economic injury until the close of business on March 13, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.250
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 295512 and for economic injury the number is 951600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 13, 1997.

Ginger Lew,

Acting Administrator.

[FR Doc. 97–16520 Filed 6–23–97; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #2956]

State of Mississippi

As a result of the President's major disaster declaration on June 13, 1997, I find that the Counties of Bolivar, Tunica, Warren, and Washington in the State of Mississippi constitute a disaster area due to damages caused by flooding beginning on February 28 and continuing through April 21, 1997. Applications for loans for physical damages may be filed until the close of business on August 14, 1997, and for loans for economic injury until the close of business on March 13, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Claiborne, Coahoma, DeSoto, Hinds, Humphreys, Issaquena, Panola, Quitman, Sharkey, Sunflower, Tate, and Yazoo Counties in Mississippi; Chico, Crittenden, Desha, Lee, and Phillips Counties in Arkansas; and East Carroll, Madison and Tensas Parishes in Louisiana.

Interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.625
Homeowners without credit available elsewhere	3.875
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.250
For Economic Injury: Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 295606. For economic injury, the numbers are 951700 for Mississippi; 951800 for Arkansas; and 951900 for Louisiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 17, 1997.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 97–16522 Filed 6–23–97; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #2954]

State of Ohio

Hancock, Ottawa, Pickaway, and Union Counties and the contiguous Counties of Allen, Champaign, Delaware, Erie, Fairfield, Fayette, Franklin, Hardin, Henry, Hocking, Logan, Lucas, Madison, Marion, Putnam, Ross, Sandusky, Seneca, Wood, and Wyandot in the State of Ohio constitute a disaster area as a result of damages caused by severe storms and flooding which occurred on June 1 and 2, 1997. Applications for loans for physical damages may be filed until the close of business on August 14, 1997 and for economic injury until the close of business on March 13, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.250
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 295406 and for economic injury the number is 951500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 13, 1997.

Aida Alvarez,

Administrator,

[FR Doc. 97–16521 Filed 6–23–97; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Progress Report on Development of a Redesigned Method of Evaluating Disability in Social Security Claims

AGENCY: Social Security Administration.

ACTION: Notice and solicitation of comments.

SUMMARY: This notice updates and requests further comment on SSA's research plan for developing a new method for determining whether an individual is ''disabled,'' as defined in the Social Security Act (the Act), for purposes of entitlement or eligibility to disability benefits under titles II or XVI. Notice of the original research plan, including a request for comments, was published in the **Federal Register** on September 9, 1996 (61 FR 47542). This notice discusses:

- Preliminary research that has been conducted on functional assessment tools and occupational classification systems;
- Independent review and oversight of the research, including the related disability evaluation study (DES), by the National Academy of Sciences (NAS);
- Expert, technical guidance being provided by outside consultants; and
- The role of external stakeholders.

In addition, this notice describes SSA's plans for future research and development activities.

DATES: Comments should be received in writing on or before August 8, 1997.

ADDRESSES: Please submit comments on the Research Plan or requests to be placed on the External Stakeholder

mailing list (see External Stakeholders, below) in one of the following manners:

- By E-mail, to david.barnes@ssa.gov.
- By telefax, to 410–966–0148.
- By mail, to Disability Process Redesign Staff, Office of Disability, Social Security Administration, 6401 Security Boulevard, Room 560 Altmeyer, Baltimore MD 21235.

FOR FURTHER INFORMATION CONTACT: David Barnes, 410–965–9121.

SUPPLEMENTARY INFORMATION:

Background

On September 9, 1996, SSA published, in the **Federal Register**, notice of the *Research Plan For the Development of a Redesigned Method of Evaluating Disability in Social Security Claims* (61 FR 47542). That notice described SSA's research plan for developing a new method for deciding whether an individual is ''disabled'' for purposes of Social Security disability program claims, but without changing the statutory definition of disability. The notice also discussed integration of the DES and the disability decision methodology research. (A summary of the research plan may also be accessed on the Internet at: *http://www.ssa.gov/DPRT/research.html.*)

In the September 1996 notice, SSA also stated its intention to publish future notices to update the research plan at major milestones in the research and development process. This is the first of these intended notices.

Research Plan To Develop Redesigned Disability Decision Methodology

The current research plan includes three steps: (1) Initial Research; (2) Integration of Initial Research and Development of a Prototype Disability Decision Process (including DES Stage 1 activity); and (3) Final Testing (including DES Stage 2 activity). The research plan also calls for independent review and oversight; use of outside technical expert consultants; and use of stakeholder input.

Step 1: Initial Research

A. Four Reviews of Current Literature

The research plan calls for four literature reviews to gather background information and data in subject areas of importance to the disability decision process. The four reviews, two of which have been completed, are described below.

1. Functional Assessment Instruments

The purpose of the functional assessment research was to define the state of the art in assessing functional capacity, and to identify instruments that might be used in, or adapted for, a new decision process.

This review has already been conducted by Virginia Commonwealth University (VCU). It involved thoroughly researching the literature about systems, methods, and instruments for measuring functional ability and capacity to perform activities and tasks, and developing a systematic method of describing, categorizing, comparing, and evaluating those systems, methods, and instruments for the purpose of determining their potential application in the disability decision process.

VCU began research in August 1995. In March 1996, VCU completed its work and issued its report, titled *Summary Report.* At SSA's request, VCU prepared a follow-up report, *Report on Findings and Recommendations for Future Directions* which was issued in July 1996. These reports are available on the Internet (*http://www.ssa.gov/DPRT/functional__assessment.html*) and are summarized below.

Summary Report. In the *Summary Report,* issued in March 1996, VCU reported that its initial search of literature and other sources identified approximately 700 functional assessment instruments. In conjunction with SSA, VCU developed selection criteria in order to focus on those instruments most appropriate to SSA's needs. Forty-six (46) instruments met the criteria and were further reviewed and analyzed. VCU described the 46 instruments and made the following findings from its analysis of those instruments.

Finding #1: The search yielded a large number of instruments currently in use.

Finding #2: The search yielded no truly global measure of function.

Finding #3: Most functional assessments in use relied upon self-reported data.

Finding #4: Self-report scales offer few mechanisms for validation of data.

Finding #5: Automated functional capacity systems offer more mechanisms for validation of data, but require more time and equipment.

Finding #6: Self-report questionnaires can be modified to offset potential exaggeration of symptoms.

Finding #7: Predictive and concurrent validity of clinical instruments may not generalize to SSA claimant populations.

Finding #8: Specialized training for administering instruments needs to be a consideration in selection.

Finding #9: Functional assessments often include performance of social roles and expectations, not just symptoms.

Report on findings and recommendations for future directions. After receiving the initial report, SSA asked VCU to use the knowledge gained in their research on functional capacity assessment instruments to expand and elaborate on their analysis. In July 1996, VCU issued the *Report on Findings and Recommendations for Future Directions.*

In this follow-up report, VCU expressed the opinion that the addition of functional assessment strategies to the SSA disability determination process would greatly enhance the effectiveness and efficiency of current assessment strategies. The report stated that the development and use of appropriate functional assessment instruments for screening and as domain-specific batteries could complement clinical assessment, increase the accuracy of residual functional capacity assessments, and potentially reduce cost related to administrative reviews and litigation. However, VCU also said that, currently, there is no one functional assessment instrument which will measure the effects of all types of impairments on mental and physical functioning and that the present status of functional assessment is not sufficiently refined to allow a total reliance on this approach. The VCU report identified six functional domains that the authors felt should be addressed in an SSA-devised instrument for the measurement of general function:

- Activities of Daily Living.
- Mental Functioning Limitations.
- Physical Functioning Abilities.
- Psychiatric or Mental Health Status.
- Medical Information.
- Social Support Networks.

The VCU report recommended that SSA undertake the following activities as the next steps in the methodology research and development process:

a. SSA should develop a global functional assessment screening instrument that could be standardized and validated on the SSA applicant pool. SSA should directly develop or coordinate the development of a functional assessment instrument for use in the disability determination process. The following steps should be completed.

- Determine the domains to be included in the assessment.
- Develop a draft instrument for subsequent standardization and validation.
- Standardize and validate the instrument on a representative sample of SSA applicants.
- Based on the results of the initial analyses, develop a ''second draft'' of

the instrument for additional, more advanced, validation analyses.

- Based on the results of the second round of validation analyses, the instrument can then be readied for large scale field-test implementation within the national disability determination system.

b. SSA should directly develop or coordinate the development of detailed assessment batteries in each of the domains identified above.

- Initial batteries should be developed in each of the domains.
- Particular care should be given to the development of batteries in the areas of Mental Functioning Limitations and Psychiatric or Mental Health Status.
- The domain-specific functional batteries should be prepared for a series of validation analyses.

2. Occupational Classification Systems

The purpose of the review of occupational classification systems was to review existing systems and methods of classifying occupations, particularly in terms of the physical and mental capacities required to do those occupations, and evaluate such systems and methods in terms of their potential applicability to the redesigned Social Security disability decision process.

This research related to one of the key concepts in the disability decision process proposed in the disability process redesign—''baseline work.'' The redesign plan called for determining disability in some cases by comparing an individual's functional ability to a baseline of work that represents substantial gainful activity. This baseline was expected to describe the basic physical and mental demands of work (i.e., a range of functional activities that realistically reflects the demands of occupations that can be performed in the absence of prior skills or formal job training). The baseline would be used to evaluate whether an individual's functional ability is consistent with the ability to perform substantial gainful work activity.

The review was designed to assist SSA in determining whether there exists a standard to describe basic physical and mental demands of a baseline of work (or whether it is feasible to develop such a standard). If such a standard were not found to exist and could not be developed, the research should assist in determining an alternative process(es) determining whether an individual is unable to do not only his or her previous work, but also unable to engage in any other kind of substantial gainful work which exists in the national economy.

This research was begun in May of 1996 by the American Institutes for Research (AIR). In November 1996, AIR issued the *Final Report: Identification and Analysis of Occupational Classification Systems.* This report is available on the Internet at: *http://www.ssa.gov/DPRT/execsum.html.*

The initial search yielded 126 documents identifying and describing 33 occupational classifications systems of 5 different types. Although AIR did not find a candidate system that was exactly or ideally suited to SSA's needs, it did find one database that closely matches SSA's needs—the Department of Labor's (DOL's) Occupational Information Network (O*NET), which is currently under development.

Based on discussions with SSA, together with its review and analysis of occupational classification systems, AIR made five recommendations:

Recommendation 1: Use O*NET;

Recommendation 2: Establish a working relationship with the Department of Labor;

Recommendation 3: Compare the occupational classification and functional assessment taxonomies before the Disability Evaluation Study;

Recommendation 4: Conduct analyses of the O*NET database; and

Recommendation 5: Develop a prototype.

3. Other Disability Programs Systems and Methods

The purpose of the third review is to:

- Survey existing systems and methods of deciding disability in other public and private programs, both domestic and foreign; and
- Identify methods, instrumentation, criteria, research findings or other features that may be appropriate to incorporate into, or otherwise be used in developing, our new decision process.

There are many disability benefit programs and other similar programs, worldwide, that evaluate individuals to determine whether or not they have an impairment and to determine the extent to which such impairment(s) limit their ability to function, particularly in relation to work. These programs use their own methods, instrumentation, and criteria to make decisions. Despite significant differences between other programs' standards or purposes and those established by law for SSA's disability programs, some other programs may have features that can be adapted to SSA's new disability decision process, resulting in time and cost savings.

This research has not been conducted yet. We expect to initiate this research in the near future. The research should be completed in early 1998.

Note: This notice does not constitute a request for proposals or grant applications. Any unsolicited proposals or applications submitted to SSA at this time, related to this notice, will not be considered nor will their receipt be acknowledged. Any acquisitiion or grant activity will be undertaken under the normal procedures for such activity.

4. Vocational Factors Research

The final review is expected to be a survey and analysis of the literature on the relationship between what SSA calls ''vocational factors'' (i.e., age, education, and work experience) and an individual's ability to work. The statutory definition of disability specifies that these vocational factors are to be considered when assessing disability:

> An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, *considering his age, education, and work experience,* engage in any other kind of substantial gainful work which exists in the national economy * * * (Section 223(d)(2)(A) of the Act. Emphasis added.)

The purpose of the research is to review current thinking on the actual effects of age, education, and work experience on the ability to work. With this knowledge base, we will be able to begin developing an appropriate way to account for those effects in a new decision process.

This research has not been conducted yet. We expect to initiate this research in the near future. The research should be completed early in 1998.

Note: This notice does not constitute a request for proposals or grant applications. Any unsolicited proposals or applications submitted to SSA at this time, related to this notice, will not be considered nor will their receipt be acknowledged. Any acquisition or grant activity will be undertaken under the normal procedures for such activity.

B. Independent Review and Oversight

On September 26, 1996, SSA awarded a four-year contract to the Institute of Medicine and the Committee on National Statistics of the *National Academy of Sciences (NAS)* to conduct an independent, scientific review of SSA's research and development of a new disability decision process, including the DES.

In November 1996, NAS established a committee of 14 experts, the Committee to Review the Social Security Administration's Disability Decision Process Research (the committee), which first met in January 1997. The committee's review (study) will provide

independent scientific analysis of all aspects of SSA's approach and methods for researching and developing the new decision process and conducting relevant DES research activities.

Consistent with the need for independence and impartiality, final decisions about study management and work plan reside with the committee, which has authority and responsibility for the conduct and oversight of the study. The committee determines the best means to approach the conduct of the study, sets its own agenda, and designs its plan of work.

Study activities may include (but will not be limited to) the following broad issues:

- Review of SSA's research plan and timeline for developing a new disability decision process;
- Review of SSA's DES design and activity;
- Review of other related SSA sponsored research, including research findings; and
- A final report containing the committee's findings and recommendations.

C. Consultants

In September 1996, SSA began consultation with three outside experts in the subject areas of functional assessment of physical impairments, occupational analysis, and health measurement. In March 1997, SSA added consultants in two additional subject areas: functional assessment of mental impairments and research methodology. The five consultants will provide technical guidance in their respective specialties to SSA's research workgroup.

D. Internal and External Stakeholders

SSA is committed to conducting this research in an inclusive environment. To that end, SSA is providing updated information to, and requesting comments of, the general public in this notice. In addition, SSA is sending the same notice and request for comments to a comprehensive list of internal and external stakeholders.

External stakeholders are individuals and organizations with a special interest in SSA disability programs. By directing updates and requests for comments not only to the general public, but to a list of individuals and organizations who have expressed a particular interest in this project, we hope to receive more specific feedback and commentary than might be received by simply publishing notices to the general public. Individuals or organizations interested in being considered external stakeholders should submit their request as explained in **ADDRESSES**, above.

The role of the external stakeholder is to comment on the research, but not to be an active participant in any research or testing. A number of individuals and organizations who responded to the September 9, 1996 notice, appear to have misinterpreted the request for comment as a solicitation of potential sources for research grants or contracts. Any grant or contracting activity will be clearly described as such and conducted under the usual grant or contracting procedures with appropriate public and industry notice.

As noted above, this notice does not constitute a request for proposals or grant applications. Any unsolicited proposals or applications submitted to SSA at this time, related to this notice, will not be considered nor will their receipt be acknowledged. Any acquisition or grant activity will be undertaken under the normal procedures for such activity.

Step 2: Integration of Initial Research and Development of a Prototype Disability Decision Process, Including Stage 1 of the DES

After step one activities are completed, the next step will be to review the findings of the four initial research surveys (i.e., functional assessment instruments, occupational classification systems, other program methodologies, and vocational factors) and begin the development of a prototype of a new decision process. This will require coordination and integration of the knowledge acquired in the preliminary research, development of proposals for a new disability decision process, and conceptualization of testing scenarios.

Stage 1 of the Disability Evaluation Study (DES) (for a detailed explanation of the DES, refer to the notice published in the **Federal Register** (61 FR 47542) on September 9, 1996) can provide the facility to test proposed components of a new decision process (e.g., specific functional assessment tools), with appropriate control and sampling techniques. In addition, SSA envisions methodology laboratories within which other potential components of a new disability decision process may be tested in a controlled setting.

Step 3: Final Testing and Stage 2 of the DES

The purposes of this final step will be to:

- Refine the prototype decision process and develop data about the potential effects and consequences of implementation of the prototype; and
- specify the precise features of a new decision process and identify all the likely costs and benefits of implementing that process.

This will involve additional testing to address scaling, thresholds, validity, and reliability as well as the potential effects of a new disability decision method on both applicants and the adjudication process, e.g., potential changes in decision outcomes in individual cases or for certain kinds of cases, workload, short and long-term administrative expenses, trust fund expenditures, and timeliness of decisions. Analysis of the testing must address: whether the new process is accurate; whether it changes decision outcomes; whether it is simple to administer and facilitates consistent decisions at each adjudicative level; and whether claimants, advocates, and stakeholders view the new method as straightforward, understandable, and fair.

The DES will play an important role in gathering test data. However, it will not be the only source of data. We expect to need other sources of test data, and these will have to be developed. The envisioned methodology laboratories may provide controlled settings and representative samples within which data may be gathered and a new disability decision process may be tested.

Comments on the September 1996 Notice

The SSA received comments from 27 individuals or groups in response to the September 1996 Notice concerning the Research Plan. We found the comments that related to the research plan or to the development of a new disability decision process very helpful.

Not all of the comments related to the research plan or decision process. Some comments related to other aspects of SSA's disability redesign, to rehabilitation or return-to-work issues, or to other matters beyond the scope of this project.

SSA considered all the comments received, although it does not plan to respond directly to each comment. Many of the suggestions were already part of the research plan and added weight for their inclusion as integral parts of the plan; some of the suggestions are still under consideration; and others are beyond the scope of this project.

We appreciate all of the input we have received and we encourage comments on this notice and on future notices, which will update the status of the research.

Timeline

A timeline of research plan actions and completion date goals is shown below.

Action	Date
Development of Research Plan	Completed.
Initial Research on Functional Assessment Instruments	Completed.
Publication of Research Plan in FEDERAL REGISTER; Request for Internal and External Stakeholder Comments	Completed.
Completion of Initial Research on Occupational Classification Systems.	Completed.
Publication of FEDERAL REGISTER Notice Describing Initial Research Products and Updating Research Plan	06/97.
Other Disability Programs Research	09/97–02/98.
Vocational Factors Research	09/97–02/98.
Integration and Prototype Development	09/97–09/98.
Award of DES Contract	12/97.
FEDERAL REGISTER Notice Updating Research Plan; Request for Internal and External Stakeholder Comments	12/97.
Supplemental Research (as needed) and Testing	04/98–04/99.
DES Stage 1 Planning and Pilot for Field Work Begins.	01/98–06/98.
FEDERAL REGISTER Notice Updating Research Plan; Request for Internal and External Stakeholder Comments	10/98.
Review of All Research, Comments, and Testing in Conjunction with DES Stage 1 Data; DES Stage 2 Pilot	05/99–10/99.
DES Stage 2 Field Work	10/99–09/00.
FEDERAL REGISTER Notice Updating Research Plan, Including Any Interim Results; Request for Internal and External Stakeholder Comments.	10/99.
Final Review of All Research, Testing, Comments, and DES Data; Recommendations for Possible New Final Disability Decision Process.	10/99–12/00

Dated: June 16, 1997.

Carolyn W. Colvin,

Deputy Commissioner for Programs and Policy.

[FR Doc. 97–16490 Filed 6–23–97; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice No. 2560]

United States International Telecommunications Advisory Committee (ITAC); Standardization Sector (ITAC–T) Study Group A and ITAC–T Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Telecommunications Standardization Sector (ITAC–T) National Study Group and Study Group A have scheduled two meetings to develop United States positions and contributions for upcoming ITU–T meetings dealing with standardization activities of the International Telecommunications Union on July 16, 1997 from 9:30 A.M. to 4:30 P.M. in Room 1207, at the Department of State, at 2201 C Street N.W., Washington, D.C.

The U.S. National Group, ITAC–T, will discuss and initiate preparations for the upcoming January, 1997 Telecommunications Standardization Advisory Group (TSAG) meeting, while U.S. Study Group A will begin preparations to develop positions and contributions for (1) ITU–T Study Group 3's (Tariff and Accounting Principles including related telecommunications economic and policy) meeting scheduled for December 2–11, 1997 and (2) the ITU–T Study Group 2 meetings scheduled for the United Kingdom in September and Hungary in October 1997. A more extensive agenda will be developed and distributed by fax or electronic mail to members prior to the announced meeting including the possibility of scheduling two ad hoc meetings, one for numbering and routing, and one for accounting rates and call back applications within ITU–T Study Group 3.

The ITAC–T Study Group A session will take place in Room 1207, from 9:30 A.M. to 12:30 P.M. and the National Group will meet from 1:30 to 4:30 P.M.

Members of the General Public may attend this meeting and join in the discussions, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In this regard, entrance to the Department of State is controlled. Questions regarding the meeting may be addressed to Mr. Earl S. Barbely at 202–647–0197.

Note: If you wish to attend please send a fax to 202–647–7407 not later than 24 hours before the scheduled meeting. On this fax, please include subject meeting, your name, social security number, and date of birth. One of the following valid photo ID's will be required for admittance: U.S. driver's license with your picture on it, U.S. passport, U.S. Government ID (company ID's are no longer accepted by Diplomatic Security). Enter from the ''C'' Street Main Lobby.

Dated: June 13, 1997.

Earl S. Barbely,

Chairman, U.S. ITAC for Telecommunication Standardization.

[FR Doc. 97–16430 Filed 6–23–97; 8:45 am]

BILLING CODE 4710–45–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Request for Reinstatement, Without Change, of a Previously Approved Collection for Which Approval Has Expired

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the reinstatement, without change, of a previously approved collection for which approval has expired.

DATES: Comments on this notice must be received by August 25, 1997.

ADDRESSES: Comments should be directed to the Air Carrier Fitness Division (X–56), Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Carol A. Woods, Air Carrier Fitness Division (X–56), Office of Aviation

Analysis, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

SUPPLEMENTARY INFORMATION:

Title: Procedures and Evidence Rules for Air Carrier Authority Applications:

14 CFR Part 201—Air Carrier Authority under Subtitle VII of Title 49 of the United States Code (Amended);

14 CFR Part 204—Data to Support Fitness Determinations;

14 CFR Part 291—Cargo Operations in Interstate Air Transportation.

OMB Control Number: 2106–0023.

Expiration Date: January 31, 1997.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: In order to determine the fitness of persons seeking authority to engage in air transportation, the Department collects information from them about their ownership, citizenship, managerial competence, operating proposal, financial condition, and compliance history. The specific information to be filed by respondents is set forth in 14 CFR Parts 201 and 204.

Respondents: Persons seeking initial or continuing authority to engage in air transportation of persons, property, and/or mail.

Estimated Number of Respondents: 139.

Average Annual Burden per Respondent: 35.25 hours.

Estimated Total Burden on Respondents: 4,900 hours.

This information collection is available for inspection at the Air Carrier Fitness Division (X–56), Office of Aviation Analysis, DOT, at the address above. Copies of 14 CFR Parts 201 and 204 can be obtained from Ms. Carol Woods at the address and telephone number shown above.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on June 17, 1997.

John V. Coleman,

Director, Office of Aviation Analysis.

[FR Doc. 97–16401 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Request for Reinstatement, Without Change, of a Previously Approved Collection for Which Approval has Expired

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the reinstatement, without change, of a previously approved collection for which approval has expired.

DATES: Comments on this notice must be received by August 25, 1997.

ADDRESSES: Comments should be directed to the Air Carrier Fitness Division (X–56), Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Carol A. Woods, Air Carrier Fitness Division (X–56), Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

SUPPLEMENTARY INFORMATION:

Title: Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers, 14 CFR Part 215.

OMB Control Number: 2106–0043.

Expiration Date: September 30, 1996.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: In accordance with the procedures set forth in 14 CFR Part 215, before a holder of certificated, foreign, or commuter air carrier authority may hold itself out to the public in any particular name or trade name, it must register that name or trade name with the Department, and notify all other certificated, foreign, and commuter air carriers that have registered the same or similar name(s) of the intended name registration.

Respondents: Persons seeking to use or change the name or trade name in which they hold themselves out to the public as an air carrier or foreign air carrier.

Estimated Number of Respondents: 19.

Average Annual Burden per Respondent: 4.6 hours.

Estimated Total Burden on Respondents: 87.4 hours.

This information collection is available for inspection at the Air Carrier Fitness Division (X–56), Office of Aviation Analysis, DOT, at the address above. Copies of 14 CFR Part 215 can be obtained from Ms. Carol Woods at the address and telephone number shown above.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on June 17, 1997.

John V. Coleman,

Director, Office of Aviation Analysis.

[FR Doc. 97–16402 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Agency Information Collection Activities Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have 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. The **Federal Register** Notice with a 60-day

comment period soliciting comments on the following collections of information was published in 62 FR 15960, April 3, 1997.

DATES: Comments must be submitted no later than July 24, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Gloria Eutsler, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 632–3318.

SUPPLEMENTARY INFORMATION:

Federal Railroad Administration (FRA)

Title: Certification of Glazing Material

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0525.

Abstract: FRA's Safety Glazing Standards (49 CFR Part 223) establish minimum requirements for glazing materials to protect individuals from personal injury as a result of objects striking the windows of locomotives, passenger cars and cabooses. Specifically, Appendix A of Part 223 establishes requirements for the certification and permanent marking of glazing materials by the manufacturer along with the responsibility of the manufacturer to make available test verification data to railroads and the FRA upon request. The certification, marking and supporting testing data assures the railroads and the FRA that the particular type of glazing material has been tested and verified for use as either FRA Type I or Type II glazing.

Estimated Annual Burden Hours: 321.

Form Number(s): N/A.

Affected Public: Railroad Businesses.

Number of Respondents: 5.

Title: Rear-end Marking Devices

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0523.

Abstract: On January 11, 1977, FRA issued Part 221 (Rear End Marking Device—Passenger, Commuter and Freight Trains) of Title 49, Transportation. Through the requirements of this CFR part, FRA ensures that marking devices for the trailing end of rear cars meet minimum requirements regarding visibility and display. The regulations establish the performance standards for ''highly visible'' marking devices in order to be approved by the Federal Railroad Administrator. The required submissions and recordkeeping requirements enables FRA's enforcement personnel to effectively control the use of illegal, ineffective, or approved devices which do not provide sufficient ''visibility'' to maintain the desired degree of safety in train operations.

Estimated Annual Burden Hours: 21.

Form Number(s): N/A.

Affected Public: Railroad Businesses.

Number of Respondents: 5.

Title: Transmission of Train Order by Radio

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0524.

Abstract: As a result of increasing human-factor related accident rates, including those accidents attributed to misuse of radios in railroad operations, the FRA determined that there was a need for stricter rules governing the use of radios in railroad operations. Many unsafe practices in the use of radios in railroad operations were occurring routinely. On January 27, 1977, the FRA published in the **Federal Register** a final rule establishing a new Part 220 (Radio Standards and Procedures) which prescribes mandatory procedures governing the use of radio communications in connection with railroad operations. FRA's Office of Safety personnel reviewed this information to determine that the minimum standards established by the regulation are being met and will enable both the railroads and the FRA to focus attention on these procedures which are unique to radio-train operations. FRA's analysis of the submittal will enable it to identify unsafe operating practices in the use of radio communications in railroad operations. If the submissions were not required, accidents would then be the primary method of identification and prevention efforts would be hampered.

Estimated Annual Burden Hours: 240,000.

Form Number(s): N/A.

Affected Public: Railroad Businesses.

Number of Respondents: 400.

Title: Railroad Operating Rules and Radio Standards and Procedures

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0035.

Abstract: As a result of an increasing number of accidents caused by human factors, the FRA determined that railroad operating rules, implemented by all of the nation's railroads, needed regulatory review. On November 23, 1974, FRA issued Part 217 (Railroad Operating Rules), 39 FR 41175 (1974). These rules were substantially revised on August 22, 1994. The requirements of this rule enables FRA to monitor each railroad's compliance with its operating rules regarding the movement of trains and other rolling equipment in the railroad industry and the operating rules instructions that each railroad provides to its employees. FRA's Office of Safety analyzes the information in considering waiver petitions, accident investigations, and inquiries into operating practices on selected railroads. Information will also enable the FRA to review amendments to railroad operating rules, timetables, and timetable special instructions and evaluate those changes in reference to operational safety. Furthermore, this information enables FRA to monitor a railroad's compliance with its operating rules and evaluate a railroad's program to achieve employee compliance with its operating rules. If this information was not made available to FRA, such nondisclosure would impede prevention efforts, leaving accidents as the primary method to identify unsafe railroad operating practices.

Estimated Annual Burden Hours: 131,147.

Form Number(s): N/A.

Affected Public: Railroad Businesses.

Number of Respondents: 600.

Title: State Safety Participation Regulations

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0509.

Abstract: On October 16, 1970, Congress enacted the Federal Railroad Safety Act of 1970 (45 U.S.C. 435). This Act gave the Secretary of Transportation the authority to prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety. In order to establish nationally uniform railroad regulations, the statute envisioned that the Federal Government would be responsible for the establishment and primary enforcement of railroad safety regulations. To assist in achieving this goal, conflicting state rules were preempted. In lieu of their prior role, states were given the opportunity to participate with the Federal Government in carrying out a portion of the investigative and surveillance activities relating to any safety rules issued under this statute.

FRA implemented this statutory concept with the adoption of the State Participation Regulation in 1975 (49 CFR Part 212) which provided the necessary administrative and legal framework for enforcement and funding purposes. Federal funding for the state participation program was eliminated in Fiscal Year 1986. State inspectors are

now authorized to work in all FRA inspection disciplines. States can currently inspect track, freight cars, locomotives, brake systems, operating practices, safety glazing, safety appliances, hazardous materials, and signal systems. FRA continues to assist the states in (1) certifying their inspectors and provides on-the-job and classroom training and (2) coordinating and consolidating state inspection plans into FRA's National Inspection Plan. This plan is revised annually to reflect current safety issues and to establish the priority of national inspection efforts and ensure coordination with state safety programs.

The information is collected in order to comply with Federal railroad safety laws and regulations concerning the State Participation Program. Inspection information received from state agencies on their railroad safety investigative and surveillance activities will be used by FRA to implement the statutory laws. A portion of the information is needed to establish the legal authority for certain aspects in processing administrative or litigation responses in noncompliance situations. The final portion of the information is needed for the overall administration and management of the program. These data are used in monitoring the effectiveness of the program and in preparing various annual safety reports including mandated reports to the Congress. From this information, FRA can determine if the State Participation Program is being productive and properly managed.

Estimated Annual Burden Hours: 12,041.

Form Number(s): 6180.10, 29, 29A, 67, 68, 68A, 69, 79, 96, 96A, 96B.

Affected Public: States, Local or Tribal Government.

Number of Respondents: 32.

Title: Qualification of Locomotive Engineers

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 required FRA to adopt rules prescribing the licensing or certification of locomotive operators. Under the statute those rules were to be structured so that (1) FRA approves the qualification standards set by railroads; (2) FRA prescribes minimum training requirements; (3) FRA requires comprehensive knowledge of relevant operating procedures; and (4) consideration of motor vehicle driving records (including data on file with the National Driver Register maintained by National Highway Traffic Safety Administration) (NHTSA) is provided for. On June 19, 1991, FRA issued a final rule on Qualifications for Locomotive Engineers implementing the requirements of Section 4 of the Rail Safety Improvement Act of 1988.

Information collection requirements concerning individuals primarily will be used by railroads to evaluate each person's qualification to be a locomotive operator. Secondary usage will be made by FRA in monitoring those qualification determinations and in certain circumstances (appeals of improper denial or revocation of certification) direct review of the person's fitness to be a locomotive operator. Information concerning an individual encompasses four areas: (1) Eligibility to be a locomotive operator based on prior conduct; (2) physical fitness to perform the task in terms of visual and hearing acuity; (3) possession of adequate knowledge to perform the task as demonstrated by successful passage of examinations; and (4) possession of adequate operational skills as demonstrated by successful passage of performance skill tests. In the absence of the data or any subset of this data, it will not be possible for a railroad to determine whether a person is qualified to operate a locomotive. Stated conversely, railroads will be free to certify unqualified persons to operate locomotives. Furthermore, absent such data it would not be possible for FRA to determine whether a railroad had acted appropriately in granting or denying a person certification.

Information collection requirements concerning particular railroads will be used by FRA to evaluate the quality of each railroad's localized aspect of the overall program. Information concerning each railroad's program encompasses eight areas: (1) the selection of designated supervisors of locomotive engineers, (2) the selection of the classes of service for engineers, (3) the evaluation of the safety conduct of engineers, (4) the evaluation of engineer's hearing and visual acuity, (5) the education of engineers, (6) the testing of engineers, (7) the operational monitoring of engineers and (8) the procedural aspects of the operation of the certification program. In the absence of the data or any subset of this data, it will not be possible for FRA to determine whether a railroad has an appropriate method for determining that a person is qualified to operate a locomotive.

Estimated Annual Burden Hours: 182,362.

Form Number(s): N/A.

Affected Public: Railroad Businesses

Number of Respondents: 620.

Title: Hours of Service Regulations

Type of Request: Reinstatement, with change, of a previously approved collection for approval has expired.

OMB Control Number: 2130–0005.

Abstract: These requirements resulted from enactment of the Hours of Service Act of 1907, later revised in 1969 by Public Law 91–169. Further amendments were enacted as part of the Federal Railroad Safety Authorization Act of 1976, Public Law 94–348. The stated purpose of the Act is ''* * * to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees * * *.''

Congress enacted the Act because of the many serious accidents that were occurring before the limitations were imposed. The Act specified the maximum working hours of employees engaged in one or more critical categories of work. Through the requirements of 49 CFR Part 228, the Federal Railroad Administration administers the requirements of the Hours of Service Act.

The recordkeeping requirements contained in 49 CFR Part 228 were designed to collect the hours of duty for covered employees, and records of train movements. Railroads whose employees have exceeded maximum duty limitations must report the circumstances. These requirements serve as a deterrent to violations and to document violations for prosecution. Loss of life caused by excess service today is practically non-existent.

The regulations pertaining to construction of employee sleeping quarters are contained in Subpart C of 49 CFR Part 228 (Hours of Service of Railroad Employees). A railroad that has developed plans for construction or reconstruction of sleeping quarters must obtain approval of the Federal Railroad Administration by filing a petition conforming to the requirements of Sections 228.101, 228.103, and 228.105.

FRA's Office of Safety utilizes the information while performing compliance, violation and accident investigations. Without this information, FRA would be handicapped during enforcement and a railroad would permit excess service to occur.

The information contained in the petitions for approval for construction of employee sleeping quarters is used by FRA headquarters staff to prepare and issue the public notice, by regional staff in investigation of the petitions, and by the Associate Administrator for Safety to render an informed and logical approval or denial of such petitions.

Estimated Annual Burden Hours: 748,791.

Form Number(s): 6180.3.

Affected Public: Railroad Businesses.

Number of Respondents: 400.

Title: Designation of Qualified Persons (Track) and Records of Results of Track Inspections

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2130–0010.

Abstract: The Track Standards (49 CFR 213) establish requirements for the inspection of all track to determine its suitability for train operation and Section 213.7 prescribes that inspections for determination of safety compliance must be conducted by persons possessing the necessary qualifications and authority to institute immediate remedial action. Since the first indications of impending safety defects must be recognized and acted upon by the railroad employee assigned to inspect track, it is imperative that the individual assigned possess the experience and knowledge required to effectively perform that function. The railroads are required to assure themselves that any person assigned to inspect track or repair track is indeed qualified and to maintain a list of those employees. The form of that record is left to the discretion of the railroad and may be computerized. However, the record must show each designation in effect and the basis for each designation. These records must be kept current and available to Federal and State track inspectors engaged in the enforcement of the Track Standards.

Subpart F of the Track Standards (49 CFR 213) establishes requirements for the inspection of all track by qualified persons to determine its suitability for train operation and Section 213.241 prescribes that appropriate records of those inspections be maintained at the railroad's division headquarters. The form of that record is left to the discretion of the railroad and may be either preprinted or computerized. However, the record must show when the inspection was made, the specific track inspected, any conditions which requires repair and must be signed by the inspector. Track inspection records must be retained at the railroad's division headquarters for one year. Rail inspection records must be retained for two years after the inspection.

These reports are used initially by the railroad companies to see that tracks are inspected periodically, that the inspectors are properly qualified, that the tracks are in safe condition for train operations, and the reports may be used for maintenance planning where repetitive defective conditions occur.

These same inspection reports are examined periodically by Federal and State investigators to determine the railroad's compliance with the inspection frequency requirement of the Track Safety Standards and persons assigned to inspect tracks have been properly designated. By comparison of remedial action notations on the reports with actual track conditions, it is possible to judge the quality of railroad performed inspections. The railroads employ some 5,000 persons who are routinely engaged in track inspection and the review of these reports may reveal weaknesses, if any, in the railroad's inspection and maintenance program or discrepancies in employee designation. The absence of these inspection reports would substantially harm the Government's railroad safety program.

Estimated Annual Burden Hours: 1,764,774.

Form Number(s): N/A.

Affected Public: Railroad Businesses.

Number of Respondents: 500.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC on June 17, 1997.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 97–16400 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 97–035]

Vessel Response Plan Workshop

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Coast Guard, together with the Maritime Association of the Port of NY/NJ, is conducting a workshop to solicit comments from the public on potential changes to the marine salvage and firefighting requirements currently found in 33 CFR 155. This workshop is intended to serve as an open forum for the discussion of issues relevant to specifying salvage and firefighting response capabilities and responsibilities. Federal, state, and local agencies and the public are invited to participate and provide oral or written comments. This notice announces the date, time, location, and format for the workshop.

DATES: The workshop is scheduled for Tuesday, August 5, 1997, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: The workshop will be held at the Holiday Inn and Suites, 625 1st Street, Alexandria, Virginia. Written comments should be mailed to Commandant (G–MOR–3), Room 2100, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001, ATTN: LT Roger Laferriere.

FOR FURTHER INFORMATION CONTACT: LT Roger Laferriere, Response Operations Division (G–MOR–3), U.S. Coast Guard, telephone (202) 267–0448, fax (202) 267–4085.

SUPPLEMENTARY INFORMATION: The vessel response plan regulations found in 33 CFR 155 require vessel owners and operators to identify salvage and firefighting assets in their response plans. These assets must be ensured available through the use of contracts or other approved means.

Due to concerns over the capacity of salvage and firefighting resources in the United States that existed in 1993, no specific response times were mandated for the salvage or firefighting resources for five years. However, under the final rule, Vessel Response Plans, 61 FR 1052 (January 12, 1996), beginning on February 18, 1998, vessel response plans submitted for approval must identify salvage and firefighting resources that are capable of being deployed to the port nearest to the area in which the vessel operates within 24 hours of notification.

The regulations currently leave it up to vessel owners and operators to determine their salvage and firefighting response needs, and to arrange for the appropriate level of resources. In order to ensure consistency throughout the U.S., and to ensure that adequate salvage and firefighting resources are in place as required, the Coast Guard is considering amending the regulations to specify requirements for salvage and firefighting contractors.

The workshop format will consist of an opening plenary session to discuss

the Coast Guard's purpose for the workshop, followed by concurrent workgroup breakout sessions. The workshop will conclude with a closing plenary session including reports from the breakfast sessions and a summary of the workshop findings. Depending on the interest generated by this notice, there may be time for limited individual presentations before the breakout sessions. Anyone wishing to make a presentation should submit their name, address, organization (if any) and a summation of their presentation at least 14 days prior to the workshop to Commandant (G–MOR), Room 2100, 2100 Second Street, SW., Washington, DC 20593–0001, ATTN: LT Roger Laferriere.

Dated: June 13, 1997.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–16524 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Department of Transportation, Federal Aviation Administration. (DOT/FAA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) this notice announces that the information collection request described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The FAA published a Notice of Proposed Rulemaking on the Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes, on June 13, 1997. This notice describes the paperwork burden associated with that rule and allows for a 60-day comment period while the paperwork package is being reviewed by OMB. The following information describes the nature of the information collection and its expected burden.

With respect to the following collection of information, FAA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FAA's functions, including whether the information will have practical utility; (2) 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) 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms information technology, e.g., permitting electronic submission of responses.

DATES: Submit any comments to OMB and FAA by August 25, 1997.

SUPPLEMENTARY INFORMATION:

Title: Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes.

Need: The information collection associated with Parts 121 and 135 is necessary to ensure operators' compliance to the upgrade of the fire safety standards for cargo or baggage compartments in certain transport category airplanes by eliminating Class D compartments.

Respondents: 130 air carriers.

Frequency: Quarterly.

Burden: The FAA conservatively estimates that, on average, the rule would require two additional work hours per quarter for each of the approximately 130 affected carriers, for an estimated 1040 hours annually.

FOR FURTHER INFORMATION CONTACT:

Or to obtain a copy of the request for clearance submitted to OMB, you may contact Ms. Judy Street at the: Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be submitted to the agency at the address above and to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, Attention FAA Desk Officer, 725 17th Street, NW, Washington, DC 20503.

Issued in Washington, DC on June 18, 1997.

Steve Hopkins,

Manager, Corporate Information Division, ABC–100.

[FR Doc. 97–16527 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–97–34]

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, 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 July 15, 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–CMNTS@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: Heather Thorson (202) 267–7470 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 June 18, 1997.

Michael E. Chase,

Acting Assistant Chief Counsel for Regulations.

Docket No.: 28884.

Petitioner: Aero Sky.

Sections of the FAR Affected: 14 CFR 145.37(b).

Description of Relief Sought: To permit Aero Sky to obtain a Federal Aviation Administration repair station certificate without having suitable permanent housing facilities for at least one of the heaviest aircraft within the weight class of the rating it seeks.

Docket No.: 28732.

Petitioner: Vieques Air Link, Inc.

Sections of the FAR Affected: 14 CFR 119.2(a) and 121.2(a)(1)(i).

Description of Relief Sought: To permit Vieques to continue to operate its Britten-Norman BN–2A Mark III Tri-Islander aircraft in scheduled operations under the requirements of 14 CFR part 135 after March 20, 1997, the deadline to transition to part 121.

Dispositions of Petitions

Docket No.: 26440.

Petitioner: Dassault Falcon Jet Corporation.

Sections of the FAR Affected: 14 CFR 47.65 and 47.69(b).

Description of Relief Sought/ Disposition: To permit Dassault to obtain a Dealer's Aircraft Registration Certificate without meeting the United States citizenship requirements, and to conduct limited flights outside the United States under this certificate.

Grant, March 28, 1997, Exemption No. 5315A.

Docket No.: 25748.

Petitioner: Popular Rotorcraft Association, Inc.

Sections of the FAR Affected: 14 CFR 91.319(a) (1) and (2).

Description of Relief Sought/ Disposition: To permit Popular Rotorcraft Association, Inc., and its member flight instructors to conduct pilot and flight instructor training in an experimental gyroplane for compensation or hire.

Grant, May 30, 1997, Exemption No. 5209E.

Docket No.: 28869.

Petitioner: Aero Classics, Inc.

Sections of the FAR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).

Description of Relief Sought/ Disposition: To allow Aero Classics, Inc., to operate its North American TB–25N aircraft (TB–25N), Registration No. N9079Z, Serial No. 44–30734, which holds a limited category airworthiness certificate, for the purpose of carrying passengers on local flights in return for receiving donations.

Grant, May 30, 1997, Exemption No. 6639.

Docket No.: 28825.

Petitioner: The University of Oklahoma.

Sections of the FAR Affected: 14 CFR 141.64.

Description of Relief Sought/ Disposition: To allow The University of Oklahoma to recommend graduates of its approved flight instructor certification course for flight instructor certificates without those graduates taking the FAA flight test.

Grant, May 27, 1997, Exemption No. 6628.

Docket No.: 28753.

Petitioner: Neuse River Foundation, Inc.

Sections of the FAR Affected: 14 CFR 61.118.

Description of Relief Sought/ Disposition: To permit certain private pilots to search for ''point pollution'' on the Neuse River and receive reimbursement for their expenses.

Grant, May 28, 1997, Exemption No. 6630.

Docket No.: 26095.

Petitioner: Cochise Community College.

Sections of the FAR Affected: 14 CFR 141.65.

Description of Relief Sought/ Disposition: To allow Cochise Community College to recommend graduates of its approved certification course for flight instructor certificates with airplane single-engine ratings without those graduates taking the FAA practical test.

Grant, May 27, 1997, Exemption No. 6629.

Docket No.: 28834.

Petitioner: LifePort, Inc.

Sections of the FAR Affected: 14 CFR 25.562 and 25.785(b).

Description of Relief Sought/ Disposition: To permit certification of medical stretchers for transport of persons whose medical condition dictates such accommodation. The exemption is for installation on Cessna 750 series airplanes.

Grant, May 23, 1997, Exemption No. 6625.

Docket No.: 28858.

Petitioner: Evergreen International Airlines, Inc.

Sections of the FAR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).

Description of Relief Sought/ Disposition: To permit Evergreen to operate its former military Boeing B–17G aircraft (B–17G), which has a limited category airworthiness certificate, for the purpose of carrying passengers on local flights in return for receiving donations.

Grant, May 30, 1997, Exemption No. 6632.

Docket No.: 28807.

Petitioner: Yankee Air Force.

Sections of the FAR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).

Description of Relief Sought/ Disposition: To allow Yankee Air Force to operate its former military Boeing B–17G aircraft (B–17G), Registration No. N3193G, Serial No. 77255, which has a limited category airworthiness certificate, for the purpose of carrying passengers on local flights in return for receiving donations.

Grant, May 30, 1997, Exemption No. 6631.

Docket No.: 28356.

Petitioner: Douglas Aircraft Company.

Sections of the FAR Affected: 14 CFR 21.325(b)(1).

Description of Relief Sought/ Disposition: To allow Douglas Aircraft Company to issue airworthiness approvals for new aircraft that are assembled and flight-tested, (MD–90 airplanes) located and manufactured outside of the United States.

Grant, May 27, 1997, Exemption No. 6626.

Docket No.: 22558.

Petitioner: Boeing Commercial Airplane Group.

Sections of the FAR Affected: 14 CFR 47.69(b).

Description of Relief Sought/ Disposition: To permit flight testing and sales demonstrations outside the United States with its Dealer's Aircraft Registration Certificates and Temporary Registration Numbers, subject to the following conditions:

1. The aircraft must be owned by Boeing:

2. The aircraft must have a temporary registration number or an assigned number affixed as provided by 14 CFR part 45;

3. When the aircraft does not have a standard airworthiness certificate, permission of the host country (countries) must be obtained before flights to or through that country;

4. Boeing shall maintain records of each international flight for a period of one year after the aircraft returns to the United States, such records to consist of:

a. Registration number and aircraft serial number;

b. Dates of departures and return to the United States; and,

c. General overseas itinerary.

Grant, May 28, 1997, Exemption No. 6627.

Docket No: 26267.

Petitioner: Anne L. Julio.

Sections of the FAR Affected: 14 CFR 121.311(b).

Description of Relief Sought/ Disposition: To allow Ms. Jacqueline A. Julio to be secured by a personal safety belt and held on her caregiver's lap while on board the aircraft although she has reached her second birthday.

Grant, June 3, 1997, Exemption No. 5195C.

Docket No.: 28846.

Petitioner: Gulfstream International Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.359(g).

Description of Relief Sought/ Disposition: To allow Gulfstream International Airlines, Inc., to operate certain Beechcraft 1900 C aircraft with oxygen masks that are not equipped with an installed microphone.

Grant, June 2, 1997, Exemption No. 6596A.

Docket No.: 18114.

Petitioner: Federal Express Corporation.

Sections of the FAR Affected: 14 CFR 121.547(c) and 121.583(a).

Description of Relief Sought/ Disposition: To permit Federal Express Corporation to carry a reporter, photographer, or journalist aboard its Boeing 747 and McDonnell Douglas DC–8 aircraft without complying with certain passenger-carrying requirements of part 121.

Grant, June 3, 1997, Exemption No. 2600K.

Docket No.: 28842.

Petitioner: Air Tahoma, Inc.

Sections of the FAR Affected: 14 CFR 121.345(c).

Description of Relief Sought/ Disposition: To allow Air Tahoma to operate without a TSO–C112 (Mode S) transponder installed in its aircraft operating under the provisions of part 121.

Grant, June 2, 1997, Exemption No. 6635.

Docket No.: 28847.

Petitioner: Trans States Airlines.

Sections of the FAR Affected: 14 CFR 121.433(c)(1)(iii), and 121.441 (a)(1) and (b)(1), and appendix F.

Description of Relief Sought/ Disposition: To allow Trans States Airlines regulatory relief to the extent necessary to establish an annual single visit training program for its pilots in an effort to eventually transition into the Advanced Qualification Program codified in Special Federal Aviation Regulation No. 58.

Grant, June 3, 1997, Exemption No. 6636.

Docket No.: 23753.

Petitioner: Saudia Arabian Airlines Corporation.

Sections of the FAR Affected: 14 CFR 61.2, 63.2, and 67.12.

Description of Relief Sought/ Disposition: To allow Saudia pilots to be examined for and issued U.S. certificates and ratings required to operate its fleet as if it were a certificated U.S. air carrier. The amendment would expand the exemption to include Boeing 747–400, Boeing 777–200, McDonnell Douglas MD–11F, and McDonnell Douglas MD–90 aircraft.

Grant, June 7, 1997, Exemption No. 3923H.

Docket No.: 28855.

Petitioner: Offshore Logistics, Inc.

Sections of the FAR Affected: 14 CFR 135.152(a).

Description of Relief Sought/ Disposition: To allow Offshore Logistics, Inc., to operate certain rotocraft with a seating configuration, excluding any pilot seat, of 10 to 19 seats without an approved flight data recorder.

Grant, June 4, 1997, Exemption No. 6637.

[FR Doc. 97–16526 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Rotorcraft Emergency Float Systems Advisory Material; Technical Workshop

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of technical workshop.

SUMMARY: The FAA is conducting a technical workshop open to the public to discuss advisory material on Rotorcraft Emergency Float Systems which will be included in advisory circulars (ACs) 27–1, Certification of Normal Category Rotorcraft, and 29–2A Certification of Transport Category Rotorcraft. This material will be published in summer 1998 as an appendix to ACs 27–1 and 29–2A.

DATES: The workshop will be held from 8 a.m. to 4:30 p.m. CDT on July 15–16, 1997.

ADDRESSES: The workshop will be held at the FAA Southwest Regional Office, 2601 Meacham Boulevard, Don P. Watson Conference Room, 4th Floor, Room 448, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate, Fort Worth, Texas 76193–0110, telephone (817) 222–5122 or fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The workshop will discuss an appendix to ACs 27–1 and 29–2A pertaining to emergency flotation systems used on rotorcraft not specifically certificated for ditching but used for operations over-water. FAA representatives will give presentations on operational rules, ditching versus emergency flotation systems, and potential research and development programs relative to rotorcraft flotation systems. In addition, there will be presentations by float manufacturers, rotorcraft manufacturers, and operators of rotorcraft with floats.

Workshop Procedures

The workshop is being chaired by the Rotorcraft Directorate. Participants will also include FAA representatives from Flight Standards and representatives from industry.

The following procedures will be used to conduct the workshop:

1. Registration will be accepted until July 3, 1997. There will be no registration fee. Registration may be accomplished by contacting the person listed under the caption **FOR FURTHER INFORMATION CONTACT**.

2. Statements by the FAA will be made to facilitate discussion and should not be taken as expressing a final FAA position.

3. The FAA will consider all material presented at the workshop by participants.

Issued in Fort Worth, Texas, on June 10, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–16531 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 28939]

Policy and Guidance Regarding Benefit Cost Analysis for Airport Capacity Projects Requesting Discretionary Airport Improvement Program Grant Awards and Letters of Intent

AGENCY: Federal Aviation Administration; Department of Transportation.

ACTION: Notice of Policy; Request for Comments.

SUMMARY: The Federal Aviation Administration (FAA) is issuing interim guidance for conducting airport benefit cost analysis (BCA) for capacity projects using Airport Improvement Program

(AIP) grants or Letters of Intent (LOI). The FAA is also modifying in two ways its policy requiring BCAs for capacity projects when applying for AIP grants or LOIs awarded for capacity projects at the discretion of the Secretary of Transportation. These modifications are (1) To clarify that it is the airport sponsors who are required to prepare and submit BCAs and (2) to lower the threshold of expected cost, above which BCAs are required, from $10 million to $5 million. The objective is to improve the effectiveness of AIP investments in meeting capacity needs of the national airport system.

For all projects for which airport sponsors seek $5 million or more in AIP capacity discretionary funds, a completed BCA must accompany the application for grants commencing in Fiscal Year 1998. With regard to LOIs, a BCA must be completed for any request for a LOI to be issued in Fiscal Year 1997 and thereafter.

The interim guidance follows the general structure used for all benefit cost assessments but has been extensively tailored for applicability to airport projects. The FAA invites airport sponsors and other interested parties to comment on the interim guidance. FAA will consider these comments in promulgating final BCA guidance for airport sponsors. Commenters are encouraged to base their observations on experience gained in using the interim guidance to actually evaluate projects.

Airport sponsors and other interested parties may obtain copies of the interim ''FAA Airport Benefit-Cost Analysis'' by contacting either of the individuals named below under the heading **FOR FURTHER INFORMATION CONTACT**.

DATES: Comments must be received by June 24, 1998. Effective date June 24, 1997.

ADDRESSES: Comments should be mailed, in triplicate, to Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket 28939, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ellis Ohnstad, Manager, Airports Financial Assistance Division (APP–500), Federal Aviation Administration, 800 Independence, SW., Washington, DC 20591, (202) 267–3831; or Ward Keech, Policy and Systems Analysis Division (APO–200), Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence, SW., Washington, DC 20591, (202) 267–3321.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation and the Administrator of the FAA are charged with maintaining a national aviation system that operates safely and efficiently. The Federal Government pursues this objective in part by investing Federal funds, via AIP grants-in-aid, in modern airport facilities sufficient to handle current and future air traffic and by facilitating local investment in such facilities.

AIP was first authorized in the Airport and Airway Improvement Act of 1982 (the AAIA). On July 5, 1994, the President signed Public Law 103–272, Codification of Certain U.S. Transportation Laws as Title 49, United States Code (the Codification), which now contains the statutory authority for the AIP (the AIAA was repealed by enactment of the Codification). The Codification provides authority and direction for the award of formula and discretionary grants-in-aid-by the Secretary. Section 47115 of the Codification authorizes the Secretary to make AIP discretionary funds available in a manner that the Secretary considers most appropriate for carrying out the purposes of chapter 471, subchapter 1, of the Codification (i.e., airport improvement). Section 47110(e) establishes authority for the Secretary to issue LOIs. Section 47115(d) specifies that, in selecting projects for discretionary grants or LOIs to preserve and enhance capacity at airports, the Secretary must consider the projects' benefits and costs.

The FAA revised the prior award process in 1994 to include the preparation of BCA for discretionary capacity projects the costs of which were expected to exceed $10 million. Those analyses were frequently prepared by FAA staff in consultation with project sponsors. Factors leading to that change included the need to improve the effectiveness of Federal airport infrastructure investments in light of a decline in Federal AIP budgets; issuance of Executive Order 12893, ''Principles for Federal Infrastructure Investments'' (January 26, 1994); and guidance form Congress citing the need for economic airport investment criteria.

Under the 1994 criteria, the FAA required the application of BCA to projects intended to preserve or enhance capacity for which sponsors seek large amounts of AIP discretionary funds. Projects to add new capacity or reconstruct existing capacity were included under the policy. LOIs and discretionary grant awards over $10 million became contingent on demonstrating that a project's benefits exceed its costs.

In the **Federal Register**, Vol. 59, No. 209, October 31, 1994, the FAA issued two notices of policy. The first, ''Policy for Letter of Intent Approvals Under the Airport Improvement Program'' [59 FR 54482], clarified the FAA's policies on reviewing and analyzing request for LOIs under the AIP or successor programs. The notice stated that the FAA will consider three factors in reviewing requests for LOIs; the project's effect on overall national air transportation system capacity; project benefit and cost; and the airport sponsor's financial commitment to the project. The notice further stated that the project must have present value benefits which exceed present value costs for LOI consideration. The policy was applicable to any request for LOI under AIP at primary or reliever airports for airside development projects with significant capacity benefits. It was intended to maximize the system-wide impact of capacity projects.

The other notice, ''Policy Regarding Revision of Selection Criteria for Discretionary Airport Improvement Program Grant Awards'' [59 FR 54484], stated that benefit-cost analysis would be required for any discretionary capacity grant application which was expected to equal or exceed $10 million over the life of the project. The policy was undertaken to implement Executive Order 12893, ''Principles for Federal Infrastructure Investments,'' and guidance provided in Congressional hearings regarding the use of economic analysis in evaluating Federal investment in airport infrastructure. The new policy was applicable to all new projects to be considered for AIP grant awards in FY 1995 and subsequent years.

Application of BCA for discretionary AIP grants was limited to those capacity projects for which the total value of requested discretionary capacity grants was expected to equal or exceed $10 million over the life of the project. This limit assured that costs likely to be incurred in preparing a BCA were reasonable with respect to the value of the applications being evaluated. The $10 million threshold was also the same value at which the FAA must notify Congress prior to the issuance of LOI awards.

Initially, FAA staff conducted the BCA to ensure the consistent application of BCA methodologies among different projects, but the LOI policy published in the October 31, 1994, **Federal Register** stated ''the FAA may revise this policy.'' The discretionary AIP grant policy published on the same date also stated that future refinements would consider ''assignment of some or all BCA responsibilities to project sponsors

(subject to FAA review).'' Experience with airport capacity project BCA since the time of the published policies (October 31, 1994), has led FAA to believe that for BCA to be effective it has to be accomplished early in the airport planning process by the airport sponsor. This enables the airport sponsor to use the BCA in the alternatives selection process at a time when the BCA still has value. If the BCA is delayed until just before the airport sponsor requests discretionary AIP funds, many alternatives may not be considered because the planning process will have progressed to the point of excluding previously feasible pathways.

While the time at which a BCA is prepared is left to the discretion of the sponsor, appropriate occasions are during master planning, in conjunction with environmental studies, or during project formulation. Costs attributable to preparing the BCA are allowable costs in airport planning (including environmental analysis) projects and, like other project formulation costs such as for engineering and design, may be reimbursed in conjunction with a grant for a subsequent project.

With the information included in the interim ''FAA Airport Benefit-Cost Analysis Guidance,'' airport sponsors will be able to apply uniform standards in their analysis of capacity projects. Also, by proposing that the airport sponsor perform the BCA, the FAA believes that the airport sponsor is more likely to accept the BCA as one of several useful tools, not merely as a requirement imposed from outside.

To establish some uniformity among analyses, the FAA prepared interim ''FAA Airport Benefit-Cost Analysis Guidance,'' the document on which we now are soliciting comments. This interim guidance follows the standard structure of all benefit cost analysis. It consists of: defining the project objective; specifying assumptions; identifying a base case and its alternatives; determining the evaluation period; determining the effort to be expended in the analysis; assessing benefits and costs; comparing results of alternatives; performing sensitivity analyses; and making an informed recommendation. The interim guidance tailors each of these steps in the BCA process to the specific situation of airports and expresses FAA expectations, experience, and lessons learned for each step.

The FAA is requesting that airport sponsors and other interested parties comment on the interim guidance so that the final guidance will be as useful as possible to airport sponsors in performing BCA. The FAA is soliciting comments on the guidance itself: selection of alternatives, proposed methodology, use of sensitivity analysis, and similar technical issues in the guidance. The FAA invites comments on the new $5 million threshold for the project cost above which a BCA must be performed. Additionally, the FAA is inviting comments on the preparation of forecasts of enplanements and operations which are included in the official FAA forecasts. The official FAA forecasts use an annual structured process which allows for input from airports and other interested non-FAA parties. This annul process allows for the modification of forecasts to reflect changing conditions and the FAA specifically requests comments and airport sponsor participation in this review process.

There are certain BCA items on which the FAA is not allowed discretion and, therefore, on which we are not inviting comments, namely, (1) Tdiscount rate, (2) the value of life, (3) the value of injury, and (4) the value of time.

The revised policies for performing BCA are: airport sponsors are encouraged to perform BCA during the development of the airport master plans, in conjunction with environmental studies, or concurrently with other project formulation activities. When not feasible to include BCA during these activities, airport sponsors are responsible for conducting a BCA on a supplemental basis and submitting it to the FAA. The FAA is responsible for reviewing the BCA as part of the evaluation process of the AIP request; the FAA may request further detail on the BCA; the FAA may perform an independent BCA of the project.

That revised procedures described in this policy apply to any request for an LOI to be issued in Fiscal Year 1997 and thereafter, and to all new airport capacity projects requesting discretionary AIP grant awards in excess of $5 million beginning in Fiscal Year 1998. FAA is reducing the threshold at which a BCA is required to $5 million from $10 million for three reasons. First, the Executive Order 12893 requires Federal agencies to apply BCA to all projects, and revising the previous policy threshold will move the agency further toward the goal established by the Executive Order. Second, in its 1994 notice of policy which announced the BCA requirement, FAA noted that, after evaluating its experience with the BCA process, it would consider establishing a lower threshold. FAA has concluded there is no technical reason the threshold cannot be reduced. Finally, the FAA has considered the additional workload created by reducing the threshold and found that only a small increase in workload would result. For these reasons, the FAA has concluded that it is reasonable to establish the new threshold at $5 million. The interim guidance should be used by airport sponsors when preparing BCAs for proposed projects which are subject to the BCA requirement.

Airport sponsors should use the interim ''FAA Airport Benefit-Cost Analysis Guidance'' when preparing BCAs for proposed projects. The FAA recognizes that, as experience is gained by using these procedures, additional improvements and modifications may be needed to be made in the criteria used to evaluate applications for LOIs and discretionary AIP grants. FAA intends to use this experience and comments received on the interim guidance in formulating a final guidance document. The period for comments extends for a period of one year from the date this notice is published in the **Federal Register**. After that time, the comments from airport sponsors and other interested parties will be considered, the guidance will be modified to incorporate those comments which will improve it, and the guidance will then be made final. The interim guidance will remain in effect throughout this period.

The FAA recognizes that airport sponsors have not yet had an opportunity to comment on the interim guidance and that project applicants will be reviewed, in part on associated BCAs. As a result, until the guidance is made final, the FAA will consider any supplemental material which the airport sponsor believes should be considered in evaluating LOI and discretionary AIP grant applications.

Issued in Washington, DC on June 18, 1997.

Paul Galis,

Director, Office of Airport Planning and Programming.

John Rodgers,

Director, Office of Aviation Policy and Plans.

[FR Doc. 97–16457 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33414]

Penn-Jersey Rail Lines, Inc.—Acquisition and Operations Exemption—WMI Properties, Inc.

Penn-Jersey Rail Lines, Inc. (PENN), a noncarrier, has filed a verified notice of

exemption under 49 CFR 1150.31 to acquire from WMI Properties, Inc., and to operate as a common carrier, railroad lines starting at the turnout from the track of Consolidated Rail Corporation, at milepost 6.1, and extending for a total of 2.2 miles, all within the Penn Warner Industrial Park, Falls Township, Bucks County, PA.

The transaction is expected to be consummated on or after June 18, 1997.

This transaction is related to STB Finance Docket No. 33415, Jeffrey L. Sutch and Leonard J. Smolsky—Continuance in Control Exemption—Penn-Jersey Rail Lines, Inc., wherein the named individuals have concurrently filed a verified notice to continue in control of PENN, upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33414, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Fritz R. Kahn, Esq., 1100 New York Avenue, N.W., Suite 750 West, Washington, DC 20005.

Decided: June 17, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–16545 Filed 6–23–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33415]

Jeffrey L. Sutch and Leonard J. Smolsky—Continuance in Control Exemption—Penn-Jersey Rail Lines, Inc.

Jeffrey L. Sutch and Leonard J. Smolsky (Applicants), have filed a notice of exemption to continue in control of the Penn-Jersey Rail Lines, Inc. (PENN), upon PENN's becoming a Class III railroad.

The transaction is expected to be consummated on or after June 18, 1997.

This transaction is related to STB Finance Docket No. 33414, Penn Jersey Rail Lines, Inc.—Acquisition and Operation Exemption—WMI Properties, Inc., wherein PENN seeks to acquire and operate certain rail lines from WMI Properties, Inc.

Applicants control one existing Class III railroad subsidiary: SMS Rail Service, Inc., operating in the State of New Jersey.

Applicants state that: (i) the rail lines to be operated by PENN do not connect with any railroad in the corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect PENN with any railroads in the corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33415, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Fritz R. Kahn, Esq., 1100 New York Avenue, N.W., Suite 750 West, Washington, DC 20005.

Decided: June 17, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–16544 Filed 6–23–97; 8:45 am]

BILLING CODE 4910–00–P

DEPARTMENT OF THE TREASURY

[Treasury Directive Number 16–13]

Operating Center for Government Accounting and Financial Reporting and the Establishment of the Chief Accounting Officer Position; Authority Delegation

June 17, 1997.

1. *Delegation:* By virtue of the authority granted to the Fiscal Assistant Secretary by Treasury Order (TO) 101–05, this Directive delegates to the Commissioner, Financial Management Service, all authority vested in the Secretary of the Treasury by Sections 114 (b) and (c) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 3513) relating to the facilities and internal organization necessary to provide Governmentwide accounting and financial reporting by an operating center within the Financial Management Service.

2. *Redelegation:* The Commissioner may establish component organizations within the Financial Management Service and assign functions to these organizations in such manner as the Commissioner determines to be in the interest of efficiency or economy of operation. Any organizational changes shall comply with the provisions of Treasury Directive (TD) 21–01.

3. *Chief Accounting Officer:* The Commissioner may establish a position of Chief Accounting Officer within the Financial Management Service. If so established, the Chief Accounting Officer, under the direction of the Commissioner, shall be responsible for assuring the integrity of the Governmentwide central accounting and reporting systems maintained by the Financial Management Service and shall perform functions and duties determined by the Commissioner.

4. *Authority:*

a. TO 101–05, ''Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury.''

b. 31 U.S.C. 3513.

5. *Reference:* TD 21–01, ''Organizational Changes.''

6. *Cancellation:* TD 16–13, ''Operating Center for Government Accounting and Financial Reporting,'' dated May 8, 1992, is superseded.

7. *Expiration Date:* This Directive shall expire three years from the date of issuance unless superseded or cancelled prior to that date.

8. *Office of Primary Interest:* Office of the Fiscal Assistant Secretary.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 97–16427 Filed 6–23–97; 8:45 am]

BILLING CODE 4810–25–P

Federal Register

Tuesday
June 24, 1997

Part II

Department of Defense

48 CFR Part 201, et al.

Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments; Interim and Final Rules

DEPARTMENT OF DEFENSE

48 CFR Parts 201, 202, 203, 204, 208, 209, 212, 214, 215, 216, 219, 222, 224, 225, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 239, 242, 243, 245, 246, 249, 252, 253, and Appendices G and I to Chapter 2

[Defense Acquisition Circular 91–12]

Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments

AGENCY: Department of Defense (DoD).

ACTION: Interim and final rules.

SUMMARY: Defense Acquisition Circular 91–12 amends the Defense Federal Acquisition Regulation Supplement (DFARS) to revise, finalize, or add language on contract reporting, required sources of supplies and services, contractor qualifications, economic price adjustment, small business programs, labor laws, foreign acquisition, patent interchange agreements, insurance, taxes, overseas contracts, contract financing, contract disputes, construction contracts, acquisition of information resources, contract administration, government property, and quality assurance.

DATES: Effective date: June 24, 1997.

Comment date: Comments on the interim rule (Item XVIII: Sections 225.872–1; 225.872–2; 225.7005; 225.7007–1; 225.7007–3; 225.7007–4; 225.7010–1; 225.7010–2; 225.7010–3; 225.7016–1; 225.7016–2; 225.7016–3; 225.7019–1; 225.7019–1; 225.7019–3(a)(1)(iv); 225.7022–1; 225.7022–2; 225.7022–3; 252.225–7016; and 252.225–7029) should be submitted in writing to the address shown below on or before August 25, 1997 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments on the interim rule (Item XVIII) to: Defense Acquisition Regulations Council. Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Cite 96–D319 in all correspondence related to this rule.

FOR FURTHER INFORMATION CONTACT:
Item XVIII—Ms. Amy Williams, (703) 602–0131;
All other items—Ms. Susan Buckmaster, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This Defense Acquisition Circular (DAC) 91–12 includes 43 rules and miscellaneous editorial amendments. Twelve of the rules (Items I, III, VII, IX, XIV, XVII, XIX, XXII, XXIV, XXVII, XXXIII, and XXXIX) were published previously in the **Federal Register** and thus are not included as part of this notice of amendments to the Code of Federal Regulations. These twelve rules are being published in the DAC to incorporate the previously published amendments into the loose-leaf edition of the DFARS.

The following information pertains to Item XVIII, Authority to Waive Foreign Purchase Restrictions:

An interim DFARS rule implementing Section 810 of the National Defense Authorization Act for Fiscal Year 1997 (Public 104–201) was published in the **Federal Register** on January 17, 1997 (62 FR 2615), with a request for public comments. Section 810, known as the ''McCain Amendment,'' added new authority to waive the restrictions on foreign purchases at 10 U.S.C. 2534(a), applicable to buses, chemical weapons antidote, components for naval vessels, and ball and roller bearings, permitting waiver if application of the restrictions would impede the reciprocal procurement of defense items under a memorandum of understanding with a foreign country. The interim rule provided this waiver authority to the head of the contracting activity. Public comments were received from four respondents, all seeking more positive and effective implementation of the McCain Amendment.

On April 7, 1997, the Under Secretary of Defense (Acquisition and Technology), waived the foreign source restrictions of 10 U.S.C. 2534(a) for the acquisition of defense items manufactured in qualifying countries listed in DFARS 225.872–1. This interim rule implements the waiver only for those items restricted in the DFARS. The restrictions on most naval vessel components are handled by the Department of the Navy. Acquisitions of anchor and mooring chain, totally enclosed lifeboat survival systems, and noncommercial ball and roller bearings are subject to additional defense appropriations act restrictions. The acquisition of chemical weapons antidote is subject to U.S. defense mobilization base requirements.

B. Determination To Issue an Interim Rule

A determination has been 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 to implement the waiver by the Under Secretary of Defense (Acquisition and Technology) of the restrictions of 10 U.S.C. 2534(A). The waiver is authorized by 10 U.S.C. 2534(d)(3), as amended by Section 810 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201); the waiver became effective on April 7, 1997. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

DAC 91–12, Items II, IV, V, XII, XIII, XV, XXIII, XXVIII, XXXVI, XXXVII, XXXVIII, XLI, XLII, and XLIII

These rules do not constitute significant revisions within the meaning of Federal Acquisition Regulation 1.501 and Public Law 98–577, and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). Please cite the applicable DFARS case number in correspondence.

DAC 91–12 Items VI, VIII, X, XI, XVI, XX, XXI, XXVI, XXIX, XXX, XXXI, XXXII, XXXIV, and XXXV

DoD certifies that these rules will not 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:

Item VI, Institutions of Higher Education—This rule applies only to institutions of higher education that are determined to have an anti-ROTC policy.

Item VII, U.S. European Command Supplement—The rule applies only to contracts that are awarded or performed in a foreign country. More than 90 percent of such contracts are awarded to foreign firms. Those U.S. firms that are awarded such contracts generally are not small entities.

Item X, Certificate of Competency—The rule merely updates and clarifies existing policy pertaining to (1) the Small Business Administration Certificate of Competency Program, and (2) procurement from small disadvantaged business regular dealers.

Item XI, Comprehensive Subcontracting Plans—Small businesses are exempt from subcontracting plan requirements, and the rule does not change the obligation of large business concerns to maximize subcontracting opportunities for small business concerns.

Item XVI, Petroleum Products from Caribbean Basin Countries—Petroleum

and products derived from petroleum already are subject to the Trade Agreements Act. The consideration of Caribbean Basin country offers of petroleum and products derived from petroleum is not expected to have a significant effect on the petroleum market in this country. Furthermore, the Trade Agreements Act and the Caribbean Basin Economic Recovery Act apply only to acquisitions exceeding $190,000 in value.

Item XX, Preference for U.S. Firms on MILCON Overseas Construction—The rule applies only to contracts estimated to exceed $1,000,000 for military construction projects in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf.

Item XXI, Restriction on MILCON Overseas Architect-Engineer Contracts—The rule applies only to architect-engineer contracts estimated to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf.

Item XXVI, Carbon Fiber—The only known domestic manufacturer of coal and petroleum pitch carbon fiber is a large business concern.

Item XXIX, Individual Compensation—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. In addition, this rule applies only to contractors that incur individual compensation costs in excess of $200,000 per year.

Item XXX, Individual Compensation—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. In addition, this rule applies only to contractors that incur individual compensation costs in excess of $250,000 per year.

Item XXXI, Restricting Costs/ Bonuses—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. In addition, this rule applies only to contractors that incur restructuring costs associated with a business combination.

Item XXXII, Restructuring Costs—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. In addition, this rule applies only to contractors that incur restructuring costs associated with a business combination.

Item XXXIV, Information Technology Management Reform Act—The rule primarily pertains to internal Government considerations regarding the acquisition of information technology.

Item XXXV, Automatic Data Processing Equipment Leasing Costs—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. In addition, this rule merely removes references and requirements pertaining to a cost principle that already has been removed from the FAR.

DAC 91–12, Item XVIII

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 there are no known small business manufacturers of buses, air circuit breakers, or the restricted chemical weapons antidote; acquisition of anchor and mooring chain, totally enclosed lifeboat survival systems, and noncommercial ball and roller bearings is presently restricted to domestic sources by defense appropriations acts; and the restrictions of 10 U.S.C. 2534 do not apply to purchases of commercial items incorporating ball or roller bearings. An initial regulatory flexibility analysis has therefore not been prepared. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96–D319 in correspondence.

DAC 91–12, Items XXV and XL

A final regulatory flexibility analysis has been performed for each of these rules. A copy of the analysis may be obtained from the address specified herein. Please cite the applicable DFARS case number in correspondence. The analyses are summarized as follows:

Item XXV, Ball and Roller Bearings—Waiver (DFARS Case 97–D300)—This rule implements 10 U.S.C. 2534(d)(6) with regard to the acquisition of ball and roller bearings. 10 U.S.C. 2534(d)(6) provides that the Secretary of Defense may waive the domestic source restrictions of 10 U.S.C. 2534(a) for an acquisition that is for an amount less than the simplified acquisition threshold, when simplified acquisition procedures are being used. Because of other statutory provisions that pertain to the acquisition of ball and roller bearings, the waiver authority in this rule may be used only if (1) ball and roller bearings or bearing components are the end items being purchased, and (2) the ball and roller bearings or bearing components are commercial items, or no fiscal year 1996 or 1997 funds are being used. No comments were received in response to the initial regulatory flexibility analysis or the proposed rule published in the **Federal Register** at 62 FR 7432 on February 19, 1997. It is estimated that 11 small businesses could be affected by this rule. The rule imposes no new reporting, recordkeeping, or compliance requirements for offerors or contractors. There are no practical alternatives that will fully implement the provisions of 10 U.S.C. 2534(d)(6).

Item XL, notice of termination (DFARS Case 96–D320)—This rule implements Section 824 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201). Section 824 streamlines the statutory requirements for providing notification to contractors and subcontractors regarding contract terminations or reductions that are expected to occur as a result of reduced funding levels under major defense programs. No comments were received in response to the initial regulatory flexibility analysis. However, one comment was received in response to the interim rule published in the **Federal Register** at 61 FR 64636 on December 6, 1996. The comment reserved judgment on whether a 60-day notification period affords industry, particularly smaller firms, sufficient time to adjust to substantial funding reductions to, or terminations of, major defense program contracts. The industry association that authored the comment stated that its member companies will monitor implementation experience, and, if necessary, will recommend additional actions concerning the new notification procedures. No changes were made to the rule as a result of the public comment, because (1) the 60-day notification period is required by Section 824 of Public Law 104–201; (2) and the comment did not indicate a need for a change to the rule at this time. The rule applies to all large and small entities that have, under a major defense program, a prime contract, a first-tier subcontract of $500,000 or more, or a lower-tier subcontract of

$100,000 or more, that is expected to be terminated or substantially reduced as a result of reduced funding levels in an appropriations act. The rule imposes no additional reporting, recordkeeping, or compliance requirements on offerors or contractors. There are no practical alternatives that will adequately implement the requirements of Section of 824 of Public Law 104–201.

D. Paperwork Reduction Act

DAC 91–12, Items, II, IV, V, VI, X, XI, XII, XIII, XV, XVI, XVIII, XXI, XXIII, XXV, XXVI, XXVIII, XXIX, XXX, XXXI, XXXII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XL, XLI, XLII, XLIII

The Paperwork Reduction Act does not apply, because these rules impose no information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

DAC 91–12, Items VIII and XX

The Paperwork Reduction Act applies. The Office of Management and Budget (OMB) has approved the information collection requirements as follows:

Item	OMB control No.
VIII	0704–0216 0704–0248 0704–0259 0704–0390 9000–0034
XX	0704–0255

Defense Acquisition Circular (DAC) 91–12 amends the Defense Federal Acquisition Regulation Supplement (DFARS) 1991 edition. The amendments are summarized as follows:

Item I—Procurement Integrity (DFARS Case 96–D310)

This final rule was issued by Departmental Letter 97–003, effective January 17, 1997 (62 FR 2611, January 17, 1997). The rule amends DFARS Subpart 203.1 and 215.608, and removes the clause at 252.203–7000, to implement Section 4304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) and to conform to the FAR revisions published as Item I of Federal Acquisition Circular 90–45. Section 4304 amended the procurement integrity provisions at 41 U.S.C. 423 and repealed 10 U.S.C. 2397–2397c, which addressed post-Federal employment of certain DoD employees.

Item II—Reporting Real Property Leases (DFARS Case 97–D001)

This final rule amends DFARS 204.670–2(a) to clarify that the requirement to complete a DD Form 350 for contracting actions that obligate or deobligate more than $25,000 also applies to DoD actions that are for the purchase of land or rental or lease of real property.

Item III—Contract Reporting for Fiscal Year 1997 (DFARS Case 97–D315)

This final rule was issued by Departmental Letter 96–017, effective October 1, 1996 (61 FR 51030, September 30, 1996). The rule amends DFARS Parts 204 and 253 to revise DD Form 350 and DD Form 1057 contract action reporting requirements, for compliance with provisions of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

Item IV—Commercial Transactions with the Government of a Terrorist Country (DFARS Case 96–D026)

This final rule removes DFARS 209.104–1(g)(iii), 209.104–70(c) and (d), 252.209–7003, and 252.209–7004, which pertained to contractor disclosure of information commercial transactions with the Government of a terrorist country. The statutory authority for this disclosure requirement (Section 843 of Public Law 103–160) expired on September 30, 1996.

Item V—Foreign Environmental Technology (DFARS Case 96–D322)

This final rule amends DFARS 209.104–1 to implement Section 828 of the National Defense Authorization Act of Fiscal Year 1997. Section 828 provides that the Secretary of Defense may, in the case of a contract for environmental restoration, remediation, or waste management at a DoD facility, waive the prohibition on award of a contract to an entity controlled by a foreign government under certain circumstances.

Item VI—Institutions of Higher Education (DFARS Case 96–D305)

The interim rule published as Item VI of DAC 91–11 is converted to a final rule without change. The rule amended DFARS 209.470 and 243.105 to implement Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). Section 541 provides that no funds available to DoD may be provided by grant or contract to any institution of higher education that has an anti-ROTC policy.

Item VII—Elimination of Certifications (DFARS Case 96–D306)

This final rule was issued by Departmental Letter 97–004, effective January 17, 1997 (62 FR 2612, January 17, 1997). The rule amends DFARS Parts 215, 219, 225, 226, 227, 233, and 252 to remove certification requirements for contractors and offerors that are not required by statute or otherwise approved for retention by the Secretary of Defense. The rule implements Section 4301(b) of the Clinger-Cohen Act of 1996 (Public Law 104–106).

Item VIII—U.S. European Command Supplement (DFARS Case 94–D001)

This final rule amends DFARS Parts 216, 222, 225, 227, 228, 229, 232, 233, 236, 246, and 252 to incorporate guidance previously contained in the U.S. European Command Supplement for application to contracts to be performed in a foreign country. Contracts to be performed in a foreign country must include requirements imposed by the host country's government in addition to U.S. Government requirements, and must provide for customs and tax exemptions to which the U.S. Government is entitled.

Item IX—MILCON—Environmental Restoration (DFARS Case 96–D327)

This final rule was issued by Departmental Letter 97–001, effective January 8, 1997 (62 FR 1058, January 8, 1997). The rule revises DFARS 216.306 to implement Section 101 of the Military Construction Appropriations Act for Fiscal Year 1997 (Public Law 104–196). Section 101 continues to restrict the use of cost-plus-fixed-fee contracts for military construction, but provides an exception for contracts for environmental restoration at installations that are being closed or realigned where payments are made from a base realignment and closure account.

Item X—Certificate of Competency (DFARS Case 96–D003)

This final rule amends DFARS 219.602–3 and 252.219–7006 to (1) update the reference to the Small Business Administration offices involved in resolving differences between an agency and the Small Business Administration; (2) remove references to Section 8051 of Public Law 103–139 and Section 8012 of Public Law 103–335, which applied only to contracts awarded during fiscal years 1994 and 1995; and (3) clarify existing text.

Item XI—Comprehensive Subcontracting Plans (DFARS Case 96–D304)

The interim rule pulished as Item VIII of DAC 91–11 is converted to a final rule with an amendment at DFARS

252.219–7004. The rule reflects changes to the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans, as required by Section 811 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). The final rule differs form the interim rule in that it amends the clause at 252.219–7004 to clarify instructions for contractor submission of Standard Form 295, Summary Subcontract Report.

Item XII—Bond Waivers (DFARS Case 96–D019)

This final rule removes DFARS 219.808, 219.811, and 252.219–7007, which pertained to waiver of Miller Act requirements for performance and payment bonds under 8(a) construction contracts. The statutory authority for waiver of these requirements (Section 813 of Public Law 102–190) applied only to contracts awarded during fiscal years 1992 through 1994.

Item XIII—Small Business Competitiveness Demonstration Program (DFARS Case 96–D025)

This final rule amends DFARS 219.1005 to remove dredging from the list of designated industry groups under the Small Business Competitiveness Demonstration Program. Dredging had been added to the list as part of a test program established under Section 722 of the Small Businesss Credit and Business Opportunity Enhancement Act of 1992 (Public Law 102–366). The statutory authority for the test program expired on September 30, 1996.

Item XIV—Pilot Mentor-Protégé Program (DFARS Case 96–D317)

This final rule was issued by Departmental Letter 96–018, effective October 18, 1996 (61 FR 54346, October 18, 1996). The rule amends DFARS 219.7104 and Appendix I to implement Section 802 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201). Section 802: (1) Extends to September 30, 1998, the date by which an interested company must apply for participation as a mentor firm under the DoD Pilot Mentor-Protégé Program; and (2) extends to September 30, 1999, the date by which a mentor firm must incur costs in order to be eligible for reimbursement under the Program.

Item XV—Nondomestic Construction Materials (DFARS Case 97–D009)

This final rule removes the clause at DFARS 252.225–7004, Nondomestic Construction Materials, and the corresponding prescriptive language at 225.205. The DFARS clause has been superseded by the clauses at FAR 52.225–5, Buy American Act—Construction Materials, and 52.225–15, Buy American Act—Construciton Materials under Trade Agreements Act and North American Free Trade Agreement, as amended by Federal Acquisition Circular 90–46.

Item XVI—Petroleum Products from Caribbean Basin Countries (DFARS Case 96–D312)

The interim rule published as Item XI of DAC 91–11 is converted to a final rule without change. The rule amended DFARS 225.403 to fully implement Section 8094 of the National Defense Appropriations Act for Fiscal Year 1994 (Public Law 103–139). Section 8094 requires DoD to consider all qualified bids from eligible countries under the Caribbean Basin Economic Recovery Act as if they were offers from designated countries under the Trade Agreements Act. The rule also amended DFARS 225.403–70 and 252.225–7007 to clarify that the definition of Caribbean Basin country end products includes petroleum and any end product derived from petroleum.

Item XVII—Metalworking Machinery—Trade Agreements (DFARS Case 96–D030)

This final rule was issued by Departmental Letter 97—005, effective January 17, 1997 (62 FR 2615, January 17, 1997). The rule amends DFARS 225.403–70 to remove the exception to application of the trade agreements acts for those machine tools for which acquisition was previously, but is no longer, restricted by 10 U.S.C. 2534. As a result, all metal working machinery products in Federal Supply Group 34 are subject to the trade agreements acts.

Item XVIII—Authority To Waive Foreign Purchase Restrictions (DFARS Case 96–D319)

This interim rule supersedes the interim rule issued by Departmental Letter 97–006 on January 17, 1997. The rule amends DFARS 225.872, 225.70, and clauses at 252.225–7016 and 252.225–7029 to implement the waiver by the Under Secretary of Defense (Acquisition and Technology) of the foreign source restrictions of 10 U.S.C. 2534(a), for the acquisition of defense items manufactured in a qualifying county. This waiver is authorized by 10 U.S.C. 2534(d)(3), as amended by section 810 (the McCain Amendment) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

Item XIX—Foreign Machine Tools and Powered and Non-Powered Valves (DFARS Case 96–D023)

This final rule was issued by Departmental Letter 96–019, effective November 15, 1996 (61 FR 58488, November 15, 1996). The rule amends DFARS Subpart 225.70, and removes the clause and provision at 252.225–7017 and 252.225–7040, to reflect the expiration of the restriction on the acquisition of machine tools and powered and non-powered valves at 10 U.S.C. 2534. Related amendments are made at 212.504(a) and 252.212–7001(b).

Item XX—Preference for U.S. Firms on MILCON Overseas Construction (DFARS Case 96–D328)

The interim rule issued by Departmental Letter 97–008, on January 17, 1997, is converted to a final rule without change. The rule amends DFARS 225.7000, 225.7003, 236.274, and 236.570, and adds a new provision at 252.236–7010, to implement Section 112 of the Military Construction Appropriations Act for Fiscal Year 1997 (Public Law 104–196). Section 112 provides a 20 percent evaluation preference for U.S. firms on contracts estimated to exceed $1,000,000 for military construction projects in the U.S. territories and possessions in the Pacific and on Kwajalein atoll, or in countries bordering the Arabian Gulf.

Item XXI—Restriction on MILCON Overseas Architect-Engineer Contracts (DFARS Case 96–D329)

The interim rule issued by Departmental Letter 97–008, on January 17, 1997, is converted to a final rule without change. The rule adds new sections at DFARS 225.7004 and 236.602–70, amends 236.102 and 236.609–70, and adds a new provision at 252.236–7011, to implement Section 111 of the Military Construction Appropriations Act for Fiscal Year 1997 (Public Law 104–196). Section 111 restricts award of architect-engineer contracts estimated to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, to U.S. firms or U.S. firms in joint venture with hose nation firms.

Item XXII—Application of Berry Amendment (DFARS Case 96–D333)

This interim rule was issued by departmental Letter 97–009, effective February 7, 1997 (62 FR 5779, February 7, 1997). The rule amends DFARS 225.7002, 252.212–7001, 252.225–7012, and 252.225–7014; adds a new section

at 244.403 and a new clause at 252.244–7000; and removes language at 212.504(a)(i). The rule implements Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997 (Public Law 104–208). Section 8109 provides that, in applying the Berry Amendment (10 U.S.C. 2241 note), the term ''synthetic fabric and coated synthetic fabric'' shall be deemed to include all textile fibers and yarns that are for use in such fabrics; and that the domestic source restrictions of the Berry Amendment shall apply to contracts and subcontracts for the procurement of commercial items.

Item XXIII—Aircraft Ejection Seats (DFARS Case 96–D022)

This final rule amends DFARS 225.7009 to remove the restriction on acquisition of aircraft ejection seats manufactured in a foreign nation, as the restriction applied only to contracts awarded using funds appropriated for fiscal years 1984 through 1989.

Item XXIV—Ball and Roller Bearings (DFARS Case 96–D331)

This final rule was issued by Departmental Letter 96–019, effective November 15, 1996 (61 FR 58489, November 15, 1996). The rule amends DFARS 225.7019–1 to reflect the extension, beyond fiscal year 1996, of the requirement to acquire ball and roller bearings from domestic sources when using appropriated funds.

Item XXV—Ball and Roller Bearings—Waiver (DFARS Case 97–D300)

This final rule amends DFARS 225.7019–3 to implement the waiver authority of 10 U.S.C. 2534(d)(6) with regard to the acquisition of ball and roller bearings. 10 U.S.C. 2534(d)(6) provides that the Secretary of Defense may waive the foreign source restrictions of 10 U.S.C. 2534(a) for a procurement that is for an amount less than the simplified acquisition threshold, when simplified acquisition procedures are being used.

Item XXVI—Carbon Fiber (DFARS Case 96–D010)

This final rule amends DFARS Subpart 225.70 and 225.71 to remove the restriction on foreign acquisition of coal and petroleum pitch carbon fiber and to move, from Subpart 225.70 to Subpart 225.71, the restriction on foreign acquisition of polyacrylonitrile (PAN) carbon fiber. The restrictions on foreign acquisition of these items are no longer required by statute. However, the restriction on PAN carbon fiber has been retained in the DFARS as a matter of policy. Related amendments are made at 208.7203(c), 252.225–7022, and 252.225–7025; and the clause at 252.225–7034 is removed.

Item XXVII—Contingent Fees—Foreign Military Sales (DFARS Case 96–D021)

This interim rule was issued by departmental Letter 97–007, effective January 17, 1997 (62 FR 2616, January 17, 1997). The rule amends DFARS Subpart 225.73 and the clauses at 252.212.7001 and 252.225–7027 to conform to the FAR revisions published as Item I of Federal Acquisition Circular 90–40. The FAR revisions removed requirements for prospective contractors to provide certain information to the Government regarding contingent fee arrangements. This interim rule makes the associated DFARS changes related to contingent fees under contracts for foreign military sales.

Item XXVIII—Offset Arrangements (DFARS Case 96–D018)

This final rule revises DFARS 225.7307 to update policy pertaining to DoD involvement in foreign military sale offset arrangements. In accordance with the Presidential policy statement of April 16, 1990, DoD does not encourage, enter into, or commit U.S. firms to foreign military sale offset arrangements. The decision whether to engage in offset arrangements, and the responsibility for negotiating and implementing such arrangements, resides with the companies involved.

Item XXIX—Individual Compensation (DFARS Case 96–D314)

The interim rule published as Item XX of DAC 91–11 is converted to a final rule without change. The rule amended DFARS Part 231 to implement Section 8086 of the National Defense Appropriations Act for Fiscal Year 1996 (Public Law 104–61). Section 8086 limits allowable costs for individual compensation to $200,000 per year under DoD contracts awarded after July 1, 1996, that are funded by fiscal year 1996 appropriations.

Item XXX—Individual Compensation (DFARS Case 96–D330)

The interim rule issued by Departmental Letter 96–023 on December 13, 1996, is converted to a final rule without change. The rule amends DFARS 231.205–6(a) to implement Section 8071 of the National Defense Appropriations Act for Fiscal Year 1997 (Public Law 104–208). Section 8071 limits allowable costs for individual compensation to $250,000 per year under DoD contracts funded by fiscal year 1997 appropriations.

Item XXXI—Restructuring Costs/Bonuses (DFARS Case 96–D332)

The interim rule issued by Departmental Letter 96–020 on November 15, 1996, is converted to a final rule without change. The rule amends DFARS 231.205–6(f) to implement Section 8095 of the National Defense Appropriations Act for Fiscal Year 1997 (Public Law 104–208). Section 8095 prohibits the use of fiscal year 1997 funds to reimburse a contractor for costs paid to an employee for a bonus or other payment in excess of the normal salary paid by the contractor to the employee, when such payment is part of restricting costs associated with a business combination.

Item XXXII—Restructuring Costs (DFARS Case 96–D334)

The interim rule issued by Departmental Letter 96–022, on December 6, 1996, is converted to a final rule without change. The rule amends DFARS 231.205–70 to implement Section 8115 of the National Defense Appropriations Act for Fiscal Year 1997 (Public Law 104–208). Section 8115 prohibits the use of fiscal year 1997 funds to reimburse a contractor for external restructuring costs associated with a business combination unless certain conditions are met.

Item XXXIII—Earned Value Management Systems (DFARS Case 96–D024)

This interim rule was issued by Departmental Letter 97–011, effective March 5, 1997 (62 FR 9990, March 5, 1997). The rule amends DFARS Parts 234, 242, and 252 to recognize industry-standard guidelines for earned value management systems (EVMS) as an alternative to DoD-unique cost/schedule control systems under DoD contracts. Since DoD's cost/schedule control systems criteria are considered to be equivalent to EVMS, contractors' previously approved cost/schedule control systems are acceptable under the EVMS criteria. However, it is no longer necessary for DoD contractors to create or maintain DoD-unique cost/schedule control systems at facilities where acceptable EVMS exist.

Item XXXIV—Information Technology Management Reform Act (DFARS Case 96–D017)

The interim rule issued by Departmental Letter 97–002, on January 8, 1997, is converted to a final rule with minor editorial changes at 239.7003(f)(1), 239.7102–3, and 239.7302(b)(2)(i). The rule amends DFARS Part 239 to conform to the FAR revisions published as Item I of Federal

Acquisition Circular 90–41. The FAR revisions implemented the Information Technology Management Reform Act of 1996 (Division E of Public Law 104–106).

Item XXXV—Automatic Data Processing Equipment Leading Cost (DFARS Case 96–D011)

The interim rule issued by Departmental Letter 97–010, on March 3, 1997, is converted to a final rule without change. The rule amends DFARS Subpart 239.73 to remove references and requirements pertaining to the cost principle on automatic data processing equipment leasing costs that was removed from FAR 31.205–2 by federal Acquisition Circular 90–44.

Item XXXVI—Contract Administration Under No-Charge Reciprocal Agreements (DFARS Case 96–D014)

This final rule amends DFARS 242.101 to specify that DoD may provide contract administration services to a non-DoD organization under a no-charge reciprocal agreement. The Arms Export Control Act (Public Law 90–629), as amended by Section 110 of Public Law 99–83, provides that the U.S. Government may perform contract administration services, without charge, for a foreign government that is a member of the North Atlantic Treaty Organization, if the foreign government provides such services to the U.S. Government on a no-charge reciprocal basis.

Item XXXVII—Submission of Commercial Freight Bills (DFARS Case 97–D006)

This final rule removes the clause at DFARS 252.242–7002, Submission of Commercial Freight Bills for Audit, and the corresponding prescriptive language at 242.1404–2–70. The DFARS clause has been superseded by the clause at FAR 52.247–67, Submission of Commercial Transportation Bills to the General Services Administration for Audit.

Item XXXVIII—Monitoring Contractor Costs (DFARS Case 96–D029)

This final rule removes DFARS Subpart 242.70, Monitoring Contractor Costs, to eliminate specific requirements for the establishment of formal programs for Government monitoring of contractor costs. This change is expected to provide greater flexibility in the adoption of alternate techniques for control and monitoring of costs under Government contracts.

Item XXXIX—Downsizing Notice (DFARS Case 96–D321)

This final rule was issued by Departmental Letter 96–024, effective December 26, 1996 (61 FR 67952, December 26, 1996). The rule removes DFARS 249.102, 249.7002, 252.249–7001, and DD Form 2604 to implement Section 825 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201). Section 825 repealed the requirement for the Secretary of Defense to notify the Secretary of Labor if a modification or termination for convenience of a major defense contract or subcontract will have substantial impact on employment.

Item XL—Notice of Termination (DFARS Case 96–D320)

The interim rule issued by Departmental Letter 96–021 on December 6, 1996, is converted to a final rule without change. The rule revises DFARS 249.7003 and the clause at 252.249–7002 to implement Section 824 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201). Section 824 streamlines the statutory requirements for providing notification to contractors regarding contract terminations or reductions that are expected to occur as a result of reduced funding levels under major defense programs.

Item XLI—Economically Disadvantaged Representations (DFARS Case 97–D004)

This final rule amends the provision at DFARS 252.219–7000 to update the listed categories of socially and economically disadvantaged individuals, for conformance with the Small Business Administration regulations at 13 CFR 124.105.

Item XLII—Trade Agreements Clauses (DFARS Case 96–D008)

This final rule amends the provision and clause at DFARS 252.255–7006 and 252.225–7007 to (1) specify that offers of foreign end products will be evaluated in accordance with the policies and procedures of DFARS Part 225; (2) revise the definitions of ''Caribbean Basin country end product,'' ''designated country end product,'' and ''NAFTA country end product'' for consistency with the FAR definitions of these terms; and (3) specify that a contractor may deliver only domestic end products unless, in its offer, it specified delivery of U.S. made, qualifying country, designated country, Caribbean Basin country, NAFTA country, or other nondesignated country end products.

Item XLIII—Caribbean Basin and Designated Countries (DFARS Case 96–D015)

This final rule amends the clause at DFARS 252.225–7007 to (1) add a definition of ''Caribbean Basin country'' in place of a reference to the definition at FAR 25.401, and (2) update the definition of ''designated country'' for conformance with the policy of the U.S. Trade Representative.

Editorial Revisions

(1) DFARS 201.603–2(l) is amended to update the terminology in the introductory text.

(2) DFARS 202.101 is amended to add the Defense Finance and Accounting Service to the list of contracting activities and defense agencies; to update the name of the Defense Information Systems Agency contracting activity; and to reflect the change in name of the Defense Mapping Agency to the National Imagery and Mapping Agency.

(3) DFARS 203.409 is redesignated as 203.405 for conformance with the designation of the corresponding FAR section.

* (4) DFARS 203.502 IS AMENDED TO CORRECT A TYPOGRAPHICAL ERROR.

(5) DFARS 203.570–5 is amended to remove the phrase ''in FAR Part 13.''

(6) DFARS 204.7003(a)(1)(i)(G) is revised to reflect the change in name of the Defense Mapping Agency to the National Imagery and Mapping Agency.

(7) DFARS 208.002(f) is amended to update the address of the Defense National Stockpile Center.

(8) DFARS 208.7203 is amended to remove the reference to FAR Subpart 8.2, as Subpart 8.2 was removed from the FAR by Federal Acquisition Circular 90–45.

(9) DFARS 212.301(f)(iii) is amended to show the complete title of the clause at 2562.212–7001.

(10) DFARS 214.406 is redesignated as 214.407 for conformance with the designation of the corresponding FAR section. Newly designated 214.407–3(e)(v) is amended to reflect the change in name of the Defense Mapping Agency to the National Imagery and Mapping Agency.

(11) DFARS 215.872–4(d)(1) is amended to revise the phrase ''commercial products'' to read ''commercial items,'' and to update the FAR reference.

(12) DFARS 216.307 and 252.216–7002 are removed as these DFARS sections have been superseded by the revisions to the clause at FAR 52.216–15 published in Federal Acquisition Circular 90–39.

(13) DFARS 219.1006(b)(2) is amended to revise the title ''Office of the Under Secretary of Defense (Acquisition & Technology) to read ''Office of the Deputy Under Secretary of Defense (International & Commercial Programs).''

(14) DFARS 224.202 is redesignated as 224.203 for conformance with the designation of the corresponding FAR section.

(15) DFARS is amended by redesignating paragraph (b) as paragraph (a)(3), for conformance with the designation of the corresponding FAR paragraph.

(16) DFARS 225.403 is amended by redesignating paragraphs (c) and (d)(1)(A) as paragraphs (b) and (c)(1)(A), respectively, for conformance with the designation of the corresponding FAR paragraphs.

(17) DFARS 233.214 is redesignated as 233.215 for conformance with the designation of the corresponding FAR section.

(18) DFARS 234.003 is amended to update the referenced. DoDI 5000.2 has been cancelled and replaced by DoD 5000.2–R.

(19) DFARS 235.006(b)(i)(C)(1)(*iii*) is amended to update the FAR reference.

* (20) DFARS 235.006(b)(i)(C)(2) is amended to correct a typographical error.

(21) DFARS 235.010 is amended to update the address of the Defense Technical Information Center.

(22) DFARS 237.7102 (a) and (b) are amended to show the correct titles of the clauses at 252.237–7012 and 252.237–7013.

(23) DFARS 242.101(d)(i) and (ii) are amended to revise the title ''Assistant Secretary of Defense (Comptroller)'' to read ''Under Secretary of Defense (Comptroller/Chief Financial Officer).''

(24) DFARS 242.102(b)(ii) is amended to revise the name ''Defense Contract Management Area Operations (DCMAO)'' to read ''Defense Contract Management Command (DCMC).''

(25) DFARS Part 245 is amended to update addresses and office titles; and to remove the language at 245.608–5(d) and insert similar text at 245.608–72.

(26) DFARS 249.110 is amended in Table 49–1, Part III, paragraphs 1b and 4, to correct typographical errors.

(27) DFARS 252.203–7001 is amended in paragraph (g) to update the FAR reference; and in paragraph (h) to update the telephone number of The Denial of Benefits Office, U.S. Department of Justice.

*(28) DFARS 252.209–7002(a)(3) is amended to revise the word ''county'' to read ''country.''

(29) DFARS 252.227–7030 is amended to correct the reference in the introductory text.

*(30) DFARS 252.232–7007(b) is amended to correct a typographical error.

(31) DFARS Part 253 is amended to update DD Forms 350; 375; 375C; 1057; 1149; 1149C; 1342; 1419; 1637; 1639; 1640; 1659; 1662; and 1861; and to remove obsolete DD Form 1851.

(32) DFARS Appendix G is amended to update activity names and addresses.

(33) Appenix I is amended to revise the office symbol ''OUSD(A&T)SADBU'' to read ''DUSD(I&CP)SADBU'' each place it appears.

* The asterisked items are revisions being made only in the loose-leaf edition of the DFARS.

Note: This DAC incorporates, into the loose-edition of the DFARS, revisions previously issued by Departmental Letters 96–017 through 97–011. DFARS revisions contained in departmental letters issued after 97–011 will be included in a future DAC.

List of Subjects in 48 CFR Parts 201, 202, 203, 204, 208, 209, 212, 214, 215, 216, 219, 222, 224, 225, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 239, 242, 243, 245, 246, 249, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Director, Defense Acquisition Regulations Council.

Interim Rules Adopted as Final Without Change

PARTS 209 AND 243—[AMENDED]

The interim rule that was published at 61 FR 25408 on May 21, 1996, is adopted as final without change.

PARTS 225, 236, AND 252—[AMENDED]

The interim rule that was published at 62 FR 2856 on January 17, 1997, is adopted as final without change.

PARTS 225 AND 252—[AMENDED]

The interim rule that was published at 61 FR 37841 on July 22, 1996, is adopted as final without change.

PART 231—[AMENDED]

The interim rule that was published at 61 FR 36305 on July 10, 1996, is adopted as final without change.

PART 231—[AMENDED]

The interim rule that was published at 61 FR 58490 on November 15, 1996, is adopted as final without change.

PART 231—[AMENDED]

The interim rule that was published at 61 FR 64635 on December 6, 1996, is adopted as final without change.

PART 231—[AMENDED]

The interim rule that was published at FR 65478 on December 13, 1996, is adopted as final without change.

PART 239—[AMENDED]

The interim rule that was published at 62 FR 9375 on March 3, 1997, is adopted as final without change.

PARTS 249 AND 252—[AMENDED]

The interim rule that was published at 61 FR 64636 on December 6, 1996, is adopted as final without change.

Interim Rules Adopted as Final With Changes

PARTS 219 AND 252—[AMENDED]

The interim rule that was published at 61 FR 39900 on July 31, 1996, is adopted as final with an amendment at section 252.219–7004 as set forth in this document.

PARTS 225, 236, AND 252—[AMENDED]

The interim rule that was published at 62 FR 2857 on January 17, 1997, is adopted as final with an amendment at section 236.609–70 as set forth in this document.

PART 239—[AMENDED]

The interim rule that was published at 62 FR 1058 on January 8, 1997, is adopted as final with amendments at sections 239.7003, 239.7102–3 and 239.7302 as set forth in this document.

Amendments to 48 CFR Chapter 2 (Defense Federal Acquisition Regulation Supplement)

48 CFR Chapter 2 (the Defense Federal Acquisition Regulation Supplement) is amended as follows:

1. The authority citation for 48 CFR Parts 201, 202, 203, 204, 208, 209, 212, 214, 215, 216, 219, 222, 224, 225, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 239, 242, 243, 245, 246, 249, 252, 253, and Appendices G and I to subchapter I continues to read as follows:

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

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 201.603–2 is amended by revising the introductory text of paragraph (1) to read as follows:

§ 201.603–2 Selection.

(1) Pursuant to 10 U.S.C. 1724, in order to qualify to serve as a contracting officer with authority to award or administer contracts for amounts above the simplified acquisition threshold, a person must—

* * * * *

PART 202—DEFINITIONS OF WORDS AND TERMS

§ 202.101 [Amended]

3. Section 202.101 is amended in the definition of ''Contracting activity'' by adding, after the entry ''Defense Advanced Research Projects Agency Office of the Deputy Director, Management'', the entry ''Defense Finance and Accounting Service External Services, Defense Finance and Accounting Service''; by removing the entry ''Defense Information Systems Agency Headquarters, Defense Information Systems Agency Defense Commercial Communications Office'' and inserting in its place the entry ''Defense Information Systems Agency Defense Information Technology Contracting Organization''; by removing the entry ''Defense Mapping Agency Headquarters, Office of Acquisition, Installation and Logistics'' and inserting in its place the entry ''National Imagery and Mapping Agency Procurement and Contracting Office''; and in the definition of ''Departments and agencies'' by adding, after the phrase ''the Defense Commissary Agency,'' the phrase ''the Defense Finance and Accounting Service,''; and by removing the phrase ''Defense Mapping Agency'' and inserting in its place the phrase ''National Imagery and Mapping Agency''.

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

§ 203.409 [Redesignated]

4. Section 203.409 is redesignated as section 203.405.

§ 203.570–5 [Amended]

5. Section 203.570–5 is amended by removing the words ''in FAR Part 13''.

PART 204—ADMINISTRATIVE MATTERS

6. Section 204.670–1 is amended by revising paragraph (c)(4) to read as follows:

§ 204.670.–1 Definitions.

* * * * *

(c) * * *

(4) For the Defense Logistics Agency: Headquarters, Defense Logistics Agency, Attn: Directorate of Procurement (Acquisition Operations Team), 8725 John J. Kingman Road, Suite 3147, Ft. Belvoir, VA 22060–6221

* * * * *

7. Section 204.670–2 is amended by revising paragraph (a)(1) to read as follows:

§ 204.670–2 Reportable contracting actions.

(a) * * *

(1) All contracting actions, including actions executed by DoD for purchase of land, or rental or lease of real property, that obligate or deobligate more than $25,000; and

* * * * *

8. Section 204.670–9 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 204.670–9 Reporting of individual contracting actions of $25,000 or less.

Under the Small Business Competitiveness Demonstration Program (see FAR subpart 19.10), contracting actions of $25,000 or less in four designated industry groups must be reported in the same manner as if the actions were in excess of $25,000.

(a) Report contracting actions of $25,000 or less in the designated industry groups on both the DD Form 350 and the DD Form 1057.

* * * * *

9. Section 204.7003 is amended by revising paragraph (a)(1)(i)(G) to read as follows:

§ 204.7003 Basic PII number.

(a) * * *

(1) * *

(i) * * *

(G) National Imagery and Mapping Agency NIMA

* * * * *

§ 204.7202–1 [Amended]

10. Section 204.7202–1 is amended by redesignating paragraph (c)(5) as paragraph (d).

§ 204.7202–2 [Amended]

11. Section 204.7202–2 is amended in the introductory text by revising, in the second sentence, the phrase ''Dun and Bradstreet'' to read ''Dun & Bradstreet''; and in the introductory text of paragraph (b)(1) by inserting the word ''Ask'' before the phrase ''Dun & Bradstreet''.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

12. Section 208.002 is amended by revising paragraph (f) to read as follows:

§ 208.002 Use of other Government supply sources.

(f) Detailed information on strategic and critical materials in excess of national stockpile requirements (e.g., metals, ores, chemicals) is available from the Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 4616, Fort Belvoir, VA 22060–6223.

* * * * *

13. Section 208.7203 is amended by revising paragraph (c); by removing paragraph (d); by redesignating paragraphs (e) through (g) as paragraphs (d) through (f), respectively; and by revising newly designated paragraph (d). The revised text reads as follows:

§ 208.7203 Authority.

* * * * *

(c) Acquisition of items restricted under 225.7010 and 225.71;

(d) Use of multiyear contracting (FAR subpart 17.1);

* * * * *

PART 209—CONTRACTOR QUALIFICATIONS

14. Section 209.104–1 is amended by revising the first sentence of paragraph (g)(ii)(C) introductory text, by adding paragraph (g)(ii)(D), and by removing paragraph (g)(iii). The revised and added text reads as follows:

§ 209.104–1 General standards.

* * * * *

(g) * * *

(ii) * * *

(C) In accordance with 10 U.S.C. 2536(b)(1)(A), the Secretary of Defense may waive the prohibition in paragraph (g)(ii)(A) of this subsection upon determining that the waiver is essential to the national security interest of the United States.* * *

* * * * *

(D) In accordance with 10 U.S.C. 2536(b)(1)(B), the Secretary of Defense may, in the case of a contract awarded for environmental restoration, remediation, or waste management at a DoD facility, waive the prohibition in paragraph (g)(ii)(A) of this subsection upon—

(1) Determining that—

(i) The waiver will advance the environmental restoration, remediation, or waste management objectives of DoD and will not harm the national security interests of the United States; and

(ii) The entity to which the contract is awarded is controlled by a foreign government with which the Secretary is authorized to exchange Restricted Data under section 144c. of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)); and

(2) Notifying Congress of the decision to grant the waiver. The contract may be awarded only after the end of the 45-day period beginning on the date the notification is received by the appropriate Congressional committees.

§ 209.104–70 [Amended]

15. Section 209.104–70 is amended by revising the section heading to read ''Solicitation provisions.''; and by removing paragraphs (c) and (d).

PART 212—ACQUISITION OF COMMERCIAL ITEMS

§ 212.301 [Amended]

16. Section 212.301 is amended in paragraph (f)(iii) by inserting, after the word ''Statutes'', the phrase ''or Executive Orders''.

PART 214—SEALED BIDDING

§§ 214.406 and 214.406–3 [Redesignated]

17. Sections 214.406 and 214.406–3 are redesignated as sections 214.407 and 214.407–3, respectively.

18. Newly designated section 214.407–3 is amended by revising in the introductory text of paragraph (e) the reference ''FAR 14.406–3'' to read ''FAR 14.407–3'', and by revising paragraphs (e)(v) to read as follows:

§ 214.407–3 Other mistakes disclosed before award.

(e) * * *

(v) National Imagery and Mapping Agency; General Counsel, NIMA.

* * * * *

PART 215—CONTRACTING BY NEGOTIATION

19. Section 215.872–4 is amended by revising paragraph (d)(1) to read as follows:

§ 215.872–4 Applicability.

* * * * *

(d) * * *

(1) Acquiring commercial items (see FAR Part 12);

* * * * *

PART 216—TYPES OF CONTRACTS

20. Section 216.203–4–70 is amended by adding paragraph (c) to read as follows:

§ 216.203–4–70 Additional clauses.

* * * * *

(c) *Price adjustment for wage rates or material prices controlled by a foreign government.*

(1) The price adjustment clause at 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government, may be used in fixed-price supply and service contracts when—

(i) The contract is to be performed wholly or in part in a foreign country; and

(ii) A foreign government controls wage rates or material prices and may, during contract performance, impose a mandatory change in wages or prices of material.

(2) Verify the base wage rates and material prices prior to contract award and prior to making any adjustment in the contract price.

§ 216.307 [Removed]

21. Section 216.307 is removed.

PART 219—SMALL BUSINESS PROGRAMS

22. The heading of Subpart 219.6 is revised to read as follows:

Subpart 219.6—Certificates of Competency

§ 219.602–3 [Amended]

23. Section 219.602–3 is amended in paragraph (c)(i)(A) by removing the phrase ''Central Office's'' and inserting the word ''Headquarters'' '' in its place.

§§ 219.808 through 219.811–3 [Removed]

24. Sections 219.808 through 219.811–3 are removed.

§ 219.1005 [Amended]

25. Section 219.1005 is amended in paragraph (a) by removing the introductory text.

26. Section 219.1006 is amended by revising paragraph (b)(2) to read as follows:

§ 219.1006 Procedures.

(b) * * *

(2) The Director, Small and Disadvantaged Business Utilization, Office of the Deputy Under Secretary of Defense (International & Commercial Programs), will determine whether reinstatement of small business set-asides are necessary to meet the agency goal and will recommend reinstatement to the Director, Defense Procurement. Military departments and defense agencies shall not reinstate small business set-asides unless directed by the Director, Defense Procurement.

* * * * *

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

27. Subpart 222.72 is added to read as follows:

Subpart 222.72—Compliance with Labor Laws of Foreign Governments

Sec.
222.7200 Scope of subpart.
222.7201 Contract clauses.

§ 222.7200 Scope of subpart.

This subpart prescribes contract clauses, with respect to labor laws of foreign governments, for use when contracting for services or construction within a foreign country.

§ 222.7201 Contract clauses.

(a) Use the clause at 252.222–7002, Compliance with Local Labor Laws (Overseas), in solicitations and contracts for services or construction to be performed outside the United States, its possessions, and Puerto Rico.

(b) Use the clause at 252.222–7003, Permit from Italian Inspectorate of Labor, in solicitations and contracts for porter, janitorial, or ordinary facility and equipment maintenance services to be performed in Italy.

(c) Use the clause at 252.222–7004, Compliance with Spanish Social Security Laws and Regulations, in solicitations and contracts for services or construction to be performed in Spain.

PART 224—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

§ 224.202 [Redesignated]

28. Section 224.202 is redesignated as section 224.203.

PART 225—FOREIGN ACQUISITION

§ 225.202 [Amended]

29. Section 225.202 is amended by redesignating paragraph (b) as paragraph (a)(3).

§§ 225.205 and 225.205–70 [Removed]

30. Sections 225.205 and 225.205–70 are removed.

§ 225.403 [Amended]

31. Section 225.403 is amended by redesignating paragraphs (c) and (d)(1)(A) as paragraphs (b) and (c)(1)(A), respectively.

32. Section 225.872–1 is amended by adding paragraph (d) to read as follows:

§ 225.872–1 General.

* * * * *

(d) The Secretary of Defense has waived the restrictions of 10 U.S.C. 2534(a) for the acquisition of defense

items manufactured in a qualifying country listed in paragraph (a) or

(b) of this subsection, in accordance with the provisions of 10 U.S.C. 2534(d)(3).

33. Section 225.872–2 is amended by revising paragraph (a)(3) to read as follows:

§ 225.872–2 Applicability.

(a) * * *

(3) Other U.S. laws or regulations (e.g., the annual defense appropriations act); and

* * * * *

34. Sections 225.971 and 225.972 are added to read as follows:

§ 225.971 Correspondence in English.

Use the clause at 252.225–7041, Correspondence in English, in solicitations and contracts when contract performance will be wholly or in part in a foreign country.

§ 225.972 Authorization to perform.

Use the clause at 252.225–7042, Authorization to Perform, in solicitations and contracts when contract performance will be wholly or in part in a foreign country.

35. The heading of Subpart 225.70 is revised to read as follows:

Subpart 225.70—Authorization Acts, Appropriations Acts, and Other Statutory Restrictions on Foreign Acquisition

36. Section 225.7005 is revised to read as follows:

§ 225.7005 Waiver of certain restrictions.

(a) The Secretary of Defense has waived the restrictions of 10 U.S.C. 2534(a) for the acquisition of defense items manufactured in a qualifying country listed in 225.872–1, in accordance with the provisions of 10 U.S.C. 2534(d)(3).

(b) Where provided for elsewhere in this subpart, the restrictions on certain foreign purchases under 10 U.S.C. 2534(a) may be waived as follows:

(1) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

(i) The restriction would cause unreasonable dalays.

(ii) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(iii) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(iv) Satisfactory quality items manufactured in the United States or Canada are not available.

(v) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(vi) Application of the restriction is not in the national security interests of the United States.

(vii) Application of the restriction would adversely affect a U.S. company.

(2) The restriction is waived when it would cause unreasonable costs. The cost of the item of U.S. or Canadian origin is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not of U.S. or Canadian origin.

37. Section 225.7007–1 is revised to read as follows:

§ 225.7007–1 Restriction.

In accordance with 10 U.S.C. 2534 and 225.7005(a), do not acquire a multipassenger motor vehicle (bus) unless it is manufactured in the United States or a qualifying country.

38. Section 225.7007–3 is revised to read as follows:

§ 225.7007–3 Exceptions.

This restriction does not apply in any of the following circumstances:

(a) Buses manufactured in nonqualifying countries are needed for temporary use because buses manufactured in the United States or a qualifying country are not available to satisfy requirements that cannot be postponed. Such use may not, however, exceed the lead time required for acquisition and delivery of buses manufactured in the United States or a qualifying country.

(b) The requirement for buses is temporary in nature. For example, to meet a special, nonrecurring requirement or a sporadic and infrequent recurring requirement, buses manufactured in nonqualifying countries may be used for temporary periods of time. Such use may not, however, exceed the period of time needed to meet the special requirement.

(c) Buses manufactured in nonqualifying countries are available at no cost to the U.S. Government.

(d) The acquisition is for an amount that does not exceed the simplified acquisition threshold.

39. Section 225.7007–4 is revised to read as follows:

§ 225.7007–4 Waiver.

The waiver criteria at 225.7005(b) apply to this restriction.

§ 225.7009 [Removed and reserved]

40. Section 225.7009 is removed and reserved.

41. Section 225.7010–1 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 225.7010–1 Restriction.

In accordance with 10 U.S.C. 2534 and defense industrial mobilization requirements (see subpart 208.72), do not acquire chemical weapons antidote contained in automatic injectors, or the components for such injectors, unless the injector or component is manufactured in the United States or Canada by a company that—

(a) Is a producer under the industrial preparedness program at the time of contract award;

* * * * *

42. Section 225.7010–2 is revised to read as follows:

§ 225.7010–2 Exception.

In accordance with 10 U.S.C. 2534(g) and 225.7005(a), the restriction of 225.7010–1 does not apply to the acquisition of quantities of chemical weapons antidote contained in automatic injectors, or the components for such injectors, that exceed the amount needed to maintain the U.S. defense mobilization base (provided such quantity is an economical purchase quantity), if—

(a) The acquisition is for an amount that does not exceed the simplified acquisition threshold; or

(b) The chemical weapons antidote contained in automatic injectors, or the components for such injectors are manufactured in a qualifying country.

43. Section 225.7010–3 is revised to read as follows:

§ 225.7010–3 Waiver.

The waiver criteria at 225.7005(b) apply to this restriction.

§ 225.7013 [Removed and reserved]

44. Section 225.7013 is removed and reserved.

§§ 225.7013–1 and 225.7013–2 [Removed]

45. Sections 225.7013–1 and 225.7013–2 are removed.

46. Section 115.7016–1 is revised to read as follows:

§ 225.7016–1 Restriction.

In accordance with 10 U.S.C. 2534 and 225.7005(a), do not acquire air circuit breakers for naval vessels unless they are manufactured in the United States or a qualifying country.

47. Section 225.7016–2 is revised to read as follows:

§ 225.7016–2 Exceptions.

This restriction does not apply if—

(a) The acquisition is for an amount that does not exceed the simplified acquisition threshold; or

(b) Spare or repair parts are needed to support air circuit breakers manufactured in a nonqualifying country. Support includes the purchase of spare air circuit breakers where those from alternate sources are not interchangeable.

48. Section 225.7016–3 is revised to read as follows:

§ 225.7016–3 Waiver.

The waiver criteria at 225.7005(b) apply to this restriction.

49. Section 225.7019–1 is amended by revising paragraph (a) to read as follows:

§ 225.7019–1R Restrictions.

(a) In accordance with 10 U.S.C. 2534 and 225.7005(a), through fiscal year 2000, do not acquire ball and roller bearings or bearing components that are not manufactured in the United States or a qualifying country.

* * * * *

50. Section 225.7019–3 is amended by revising paragraph (a)(1)(iv); by redesignating paragraphs (a)(2) and (a)(3) as paragraphs (a)(3) and (a)(4), respectively; and by adding a new paragraph (a)(2). The revised and added text reads as follows:

§ 225.7019–3 Waiver.

(a) * * *

(1) * * *

(iv) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country;

* * * * *

(2) If the acquisition is for an amount less than the simplified acquisition threshold and simplified acquisition procedures are being used.

* * * * *

§ 225.7020 [Removed and reserved]

51. Section 225.7020 is removed and reserved.

§§ 225.7020–1 and 225.7020–2 [Removed]

52. Sections 225.7020–1 and 225.7020–2 are removed.

53. Section 225.7022–1 is amended by revising paragraph (b) to read as follows:

§ 225.7022–1 Restrictions.

* * * * *

(b) In accordance with 10 U.S.C. 2534(a)(3)(B) and 225.7005(a), do not purchase a totally enclosed lifeboat that is a component of a naval vessel, unless it is manufactured in the United States or a qualifying country. In accordance with 10 U.S.C. 2534(h), this restriction may not be implemented through the use of a contract clause or certification. Implementation shall be effected through management and oversight techniques that achieve the objective of the restriction without imposing a significant management burden on the Government or the contractor involved.

54. Section 225.7022–2 is revised to read as follows:

§ 225.7022.2 Exceptions.

The restriction in 225.7022–1(b) does not apply if—

(a) The acquisition is for an amount that does not exceed the simplified acquisition threshold; or

(b) Spare or repair parts are needed to support totally enclosed lifeboats manufactured in a nonqualifying country.

55. Section 225.7022–3 is revised to read as follows:

§ 225.7022–3 Waiver.

The waiver criteria at 225.7005(b) apply only to the restriction of 225.7022–1(b).

56. Subpart 225.71 is revised to read as follows:

Subpart 225.71—Other Restrictions on Foreign Acquisition

Sec.

225.7100 Scope of subpart.
225.7101 Definitions.
225.7102 Forgings.
225.7102–1 Policy.
225.7102–2 Exceptions.
225.7102–3 Waiver.
225.7102–4 Contract clause.
225.7103 Polyacrylonitrile (PAN) carbon fiber.
225.7103–1 Policy.
225.7103–2 Waivers.
225.7103–3 Contract clause.

§ 225.7100 Scope of subpart.

This subpart contains foreign product restrictions which are based on policies designed to protect the defense industrial base.

§ 225.7101 Definitions.

Relevant definitions are in the clause at 252.225–7025, Restriction on Acquisition of Forgings.

§ 225.7102 Forgings.

§ 225.7102–1 Policy.

DoD requirements for the following forging items, whether as end items or components, shall be acquired from domestic sources (as described in the clause at 252.225–7025) to the maximum extent practicable—

Items	Categories
Ship propulsion shafts	Excludes service and landing craft shafts.
Periscope tubes	All.
Ring forgings for bull gears.	All greater than 120 inches in diameter.

§ 225.7102–2 Exceptions.

The policy in 225.7102–1 does not apply to acquisitions—

(a) Using simplified acquisition procedures, unless the restricted item is the end item being purchased;

(b) Overseas for overseas use; or

(c) When the quantity acquired exceeds the amount needed to maintain the U.S. defense mobilization base (provided such quantity is an economical purchase quantity). The restriction to domestic sources does not apply to the quantity above that required to maintain the base, in which case, qualifying country sources may compete.

§ 225.7102–3 Waiver.

Upon request from a prime contractor, the contracting officer may waive the requirement for domestic manufacture of the items covered by the policy in 225.7102–1.

§ 225.7102–4 Contract clause.

(a) Use the clause at 252.225–7025, Restriction on Acquisition of Forgings, in solicitations and contracts, except for acquisitions—

(1) Excepted in 225.7102–2; or

(2) Where the contracting officer knows that the supplies being acquired do not contain the restricted items.

(b) If an exception under 225.7102–2 applies to any portion of the acquisition, specify the exception in the solicitation and contract.

§ 225.7103 Polyacrylonitrile (PAN) carbon fiber.

§ 225.7103–1 Policy.

All new major systems must use U.S. or Canadian manufacturers or producers for all PAN carbon fiber requirements.

§ 225.7103–2 Waivers.

Contracting officers may, with the approval of the chief of the contracting office, waive, in whole or in part, the requirement of the clause at 252.225–7022. For example, a waiver may be

justified if a qualified U.S. or Canadian source cannot meet scheduling requirements.

§ 225.7103–3 Contract clause.

Use the clause at 252.225–7022, Restriction on Acquisition of Polyacrylonitrile (PAN) Carbon Fiber, in all acquisitions for major systems (as defined in FAR part 2) that are not yet in production (milestone III as defined in DoD 50002.2–R, Mandatory Procedures for Major Defense Acquisition Programs (MDAPS) and Major Automated Information system (MAIS) Acquisition Programs). Also use the clause in contracts for major systems if the clause was used in prior program contracts.

57. Section 225.7307 is revised to read as follows:

§ 225.7307 Offset arrangements.

In accordance with the Presidential policy statement of April 16, 1990, DoD does not encourage, enter into, or commit U.S. firms to FMS offset arrangements. The decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

§§ 225.7307–1 and 225.7307–2 [Removed]

58. Sections 225.7307–1 and 225.7307–2 are removed.

PART 227—PATENTS, DATA, AND COPYRIGHTS

59. Section 227.676 is added to read as follows:

§ 227.676 Foreign patent interchange agreements.

(a) Patent interchange agreements between the United States and foreign governments provide for the use of patent rights, compensation, free licenses, and the establishment of committees to review and make recommendations on these matters. The agreements also may exempt the United States from royalty and other payments. The contracting officer shall ensure that royalty payments are consistent with patent interchange agreements.

(b) Assistance with patent rights and royalty payments in the United States European Command (USEUCOM) area of responsibility is available from HQ USEUCOM, ATTN: ECLA, Unit 30400, Box 1000, APO AE 09128; Telephone: DSN

430–7474, Commercial 49–0711–680–7474; Telefax: 49–0711–680–7408.

PART 228—BONDS AND INSURANCE

50. Section 228.370 is amended by adding paragraph (f) to read as follows:

§ 228.370 Additional clauses.

* * * * *

(f) Use the clause at 252.228–7006, Compliance with Spanish Laws and Insurance, in solicitations and contracts for services or construction to be performed in Spain by other than a Spanish contractor or subcontractor.

PART 229—TAXES

61. Section 229.101 is amended by redesignating paragraphs (d)(i), (d)(ii), and (d)(iii) as paragraphs (d)(iii), (d)(iv), and (d)(v), respectively; and by adding new paragraphs (d)(i), (d)(ii), and (d)(vi) to read as follows:

§ 229.101 Resolving tax problems.

* * * * *

(d)(i) Tax relief agreements between the United States and foreign governments in Europe that exempt the United States from payment of specific taxes on purchases made for common defense purposes are maintained by the United States European Command (USEUCOM). For further information contact HQ USEUCOM, Attn: ECLA, Unit 30400, Box 1000, APO AE 09128; Telephone; DSN 430–7474, Commercial 49–0711–680–7474; Telefax: 49–0711–680–7408.

(ii) Tax relief also may be available in countries that have not signed tax relief agreements. The potential for such relief should be explored in accordance with paragraph (d)(iii) of this section.

* * * * *

(vi) Also see subpart 229.70 for special procedures for obtaining tax relief and duty-free import privileges when conducting U.S. Government acquisitions in certain foreign countries.

* * * * *

62. Subpart 229.4 is added to read as follows:

Subpart 229.4—Contract Clauses

Sec.
229.402 Foreign contracts.
229.402–1 Foreign fixed-price contracts.
229.402–70 Additional clauses.

§ 229.402 Foreign contracts.

§ 229.402–1 Foreign fixed-price contracts.

Use the clause at 252.229–7000, Invoices Exclusive of Taxes or Duties, in solicitations and contracts when a fixed-price contract will be awarded to a foreign concern.

§ 229.402–70 Additional clauses.

(a) Use the clause at 252.229–7001, Tax Relief, in solicitations and contracts when a contract will be awarded to a foreign concern in a foreign country. When contract performance will be in Germany, use the clause with its Alternate I.

(b) Use the clause at 252.229–7002, Customs Exemptions (Germany), in solicitations and contracts requiring the import of U.S. manufactured products into Germany.

(c) Use the clause at 252.229–7003, Tax Exemptions (Italy), in solicitations and contracts when contract performance will be in Italy.

(d) Use the clause at 252.229–7004, Status of Contractor as a Direct Contractor (Spain), in solicitations and contracts requiring the import into Spain of supplies for construction, development, maintenance, or operation of Spanish-American installations and facilities.

(e) Use the clause at 252.229–7005, Tax Exemptions (Spain), in solicitations and contracts when contract performance will be in Spain.

(f) Use the clause at 252.229–7006, Value Added Tax Exclusion (United Kingdom), in solicitations and contracts when contract performance will be in the United Kingdom.

(g) Use the clause at 252.229–7007, Verification of United States Receipt of Goods, in solicitations and contracts when contract performance will be in the United Kingdom.

(h) Use the clause at 252.229–7008, Relief from Import Duty (United Kingdom), in solicitations issued and contracts awarded in the United Kingdom.

(i) Use the clause at 252.229–7009, Relief from Customs Duty and Value Added Tax on Fuel (Passenger Vehicles) (United Kingdom), in solicitations issued and contracts awarded in the United Kingdom for fuels (gasoline or diesel) and lubricants used in passenger vehicles (excluding taxis).

(j) Use the clause at 252.229–7010, Relief from Customs Duty on Fuel (United Kingdom), in solicitations issued and contracts awarded in the United Kingdom that require the use of fuels (gasoline or diesel) and lubricants in taxis or vehicles other than passenger vehicles.

63. Subpart 229.70 is added to read as follows:

Subpart 229.70—Special Procedures for Overseas Contracts

Sec.
229.7000 Scope of subpart.
229.7001 Tax exemption in Spain
229.7002 Tax exemption in the United Kingdom.
229.7002–1 Value added tax.
229.7002–2 Import duty.
229.7002–3 Value added tax or import duty problem resolution.
229.7002–4 Information required by HM Customs and Excise.

§ 229.7000 Scope of subpart.

This subpart prescribes procedures to be used by contracting officers to obtain tax relief and duty-free import privileges when conducting U.S. Government acquisitions in certain foreign countries.

§ 229.7001 Tax exemption in Spain.

(a) The Joint United States Military Group (JUSMG), Spain Policy Directive 400.4, or subsequent directive, applies to U.S. contracting offices acquiring supplies or services in Spain when the introduction of material or equipment into Spain is required for contract performance.

(b) Upon award of a contract with a Direct Contractor, as defined in the clause at 252.229–7004, the contracting officer will notify JUSMG–MAAG Madrid, Spain, and HQ 16AF/LGTT and forward three copies of the contract to JUSMG–MAAG, Spain.

(c) If copies of the contract are not available and duty-free import of equipment or materials is urgent, the contracting officer will send JUSMG–MAAG three copies of the Letter of Intent or a similar document indicating the pending award. In these cases, authorization for duty-free import will be issued by the Government of Spain. Upon formal award, the contracting officer will forward three copies of the completed contract to JUSMG–MAAG, Spain.

(d) The contracting officer will notify JUSMG–MAAG, Spain, and HQ 16AF/LGTT of ports-of-entry and identify the customs agents who will clear property on their behalf. Additional documents required for port-of-entry and customs clearance can be obtained by contacting HQ 16AF/LGTT. This information will be passed to the Secretaria General Tecnica del Ministerio de Hacienda (Technical General Secretariat of the Ministry of Finance). A list of customs agents may be obtained from the 600 ABG, APO AE 90646.

§ 229.7002 Tax exemption in the United Kingdom.

This section contains procedures to be followed in securing relief from the British value added tax and import duties.

§ 229.7002–1 Value added tax.

(a) U.S. Government purchases qualifying for tax relief are equipment, materials, facilities, and services for the common defense effort and for foreign aid programs.

(b) To facilitate the resolution of issues concerning specific waivers of import duty or tax exemption for U.S. Government purchases (see 229.7002–3), contracting offices shall provide the name and activity address of personnel who have been granted warranted contracting authority to Her Majesty's (HM) Customs and Excise at the following address: HM Customs and Excise, International Customs Division G, Branch 4, Adelaide House, London Bridge, London EC4R 9DB.

§ 229.7002–2 Import duty.

No import duty shall be paid by the United States and contract prices shall be exclusive of duty, except when the administrative cost compared to the low dollar value of a contract makes it impracticable to obtain relief from contract import duty. In this instance, the contracting officer shall document the contract file with a statement that—

(a) The administrative burden of securing tax relief under the contract was out of proportion to the tax relief involved;

(b) It is impracticable to secure tax relief;

(c) Tax relief is therefore not being secured; and

(d) The acquisition does not involve the expenditure of any funds to establish a permanent military installation.

§ 229.7002–3 Value added tax or import duty problem resolution.

In the event a value added tax or import duty problem cannot be resolved at the contracting officer's level, refer the issue to HQ Third Air Force, Staff Judge Advocate, Unit 4840, Box 45, APO AE 09459. Direct contact with HM Customs and Excise in London is prohibited.

§ 229.7002–4 Information required by HM Customs and Excise.

(a) *School bus contacts.* Provide one copy of the contract and all modifications to HM Customs and Excise.

(b) *Road fuel contracts.* For contracts that involve an application for relief from duty on the road fuel used in performance of the contract, provide—

(1) To HM Customs and Excise—

(i) Contract number;

(ii) Name and address of contractor;

(iii) Type of work (e.g., laundry, transportation);

(iv) Area of work; and

(v) Period of performance.

(2) To the regional office of HM Custom and Excise to which the contractor applied for relief from the duty on road fuel—copy of the contract.

(c) *Other contracts awarded to United Kingdom firms.* Provide information when requested by HM Customs and Excise.

PART 232—CONTRACT FINANCING

64. Section 232.806 is revised to read as follows:

§ 232.806 Contract clause.

(a)(1) Use the clause at 252.232–7008, Assignment of Claims (Overseas), instead of the clause at FAR 52.232–23, Assignment of Claims, in solicitations and contracts when contract performance will be in a foreign country.

(2) Use Alternate I with the clause at FAR 52.232–23, Assignment of Claims, unless otherwise authorized under 232.803(d).

PART 233—PROTESTS, DISPUTES, AND APPEALS

§ 233.214 [Redesignated]

65. Section 233.214 is redesignated as section 233.215.

66. Section 233.215–70 is added to read as follows:

§ 233.215–70 Additional contract clause.

Use the clause at 252.233–7001, Choice of Law (Overseas), in solicitations and contracts when contract performance will be outside of the United States, it possessions, and Puerto Rico, unless otherwise provided for in a government-to-government agreement.

PART 234—MAJOR SYSTEM ACQUISITION

67. Section 234.003 is revised to read as follows:

§ 234.003 Responsibilities.

DoD 5000.1, Defense Acquisition, and DoD 5000.2–R, Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs, contain the DoD implementation of OMB Circular A–109.

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

§ 235.006 [Amended]

68. Section 235.006 is amended in paragraph (b)(i)(C)(*1*)(*iii*) by revising the parenthetical phrase ''(as defined in FAR 34.001)'' to read ''(as defined in FAR 2.101)''.

69. Section 235.010 is amended in paragraph (b) by revising the last sentence to read as follows:

§ 235.010 Scientific and technical reports.

(b) * * * Requests for eligibility and registration information should be addressed to DTIC–BCS, 8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060–0944.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

70. Section 236.274 is amended by revising paragraph (b)(2)(viii) to read as follows:

§ 236.274 Construction in foreign countries.

* * * * *

(b) * * *

(2) * * *

(viii) Resolution of any forseeable problems that can be appropriately included in the agreement.

71. Section 236.570 is amended by adding paragraph (d) to read as follows:

§ 236.570 Additional provisions and clauses.

* * * * *

(d) Also see 246.710(4) for an additional clause applicable to construction contracts to be performed in Germany.

72. Section 236.609–70 is amended by revising the section heading to read as follows:

§ 236.609–70 Additional provision and clause.

* * * * *

PART 237—SERVICE CONTRACTING

§ 237.7102 [Amended]

73. Section 237.7102 is amended in paragraphs (a) and (b) by revising the word ''Instructions'' to read ''Instruction''.

PART 239—ACQUISITION OF INFORMATION RESOURCES

74. Section 239.7003 is amended in paragraph (f)(1) by revising the first sentence to read as follows:

§ 239.7003 Procedures.

* * * * *

(f) * * *

(1) Send an SF 120, Report of Excess Personal Property, to the Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division, Attn: D03D, 701 South Courthouse Road, Arlington, VA 22204–2199. * * *

* * * * *

75. Section 239.7102–3 is revised to read as follows:

§ 239.7102–3 Contract clause.

When contracting for computer equipment or systems that are to be used to process classified information, use the clause at 252.239–7000, Protection Against Compromising Emanations.

76. Section 239.7302 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 239.7302 Approvals and screening.

* * * * *

(b) * * *

(2) * * *

(i) Submits a request for screening the requirement against the pool of Government-owned ADPE to determine if available excess equipment could satisfy the contractor's needs. The request should include the contractor's supporting documentation. The request is sent to—

Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division, Attn: D03D, 701 South Courthouse Road, Arlington, VA 22204–2199; or

* * * * *

§ 239.7500 [Amended]

77. Section 239.7500 is amended by removing the word ''resources'' and inserting the word ''technology'' in its place.

PART 242—CONTRACT ADMINISTRATION

78. Section 242.101 is amended in the introductory text of paragraph (d)(i) and in paragraph (d)(ii) by revising ''Assistant Secretary of Defense (Comptroller)'' to read ''Under Secretary of Defense (Comptroller/Chief Financial Officer)''; and by revising paragraph (d)(i)(A) to read as follows:

§ 242.101 Policy.

* * * * *

(d)(i) * * *

(A) Quality assurance, contract administration, and audit services provided under a no-charge reciprocal agreement;

* * * * *

§ 242.102 [Amended]

79. Section 242.102 is amended in the introductory text of paragraph (b)(ii) by removing ''Area Operations (DCMAO)'' and inserting ''Command (DCMC)'' in its place.

80. Section 242.1404–2–70 is revised to read as follows:

§ 242.1404–2–70 Additional clause.

Use the clause at 252.242–7003, Application for U.S. Government Shipping Documentation/Instructions, when using the clause at FAR 52.242–10, F.o.b. Origin—Government Bills of Lading or Prepaid Postage, or FAR 52.242–11, F.o.b. Origin—Government Bills of Lading or Indicia Mail.

Subpart 242.70—[Removed and reserved]

81. Subpart 242.70 is removed and reserved.

PART 245—GOVERNMENT PROPERTY

82. Section 245.302–1 is amended by revising paragraph (a)(4)(A)*(2),* the introductory text of paragraph (a)(4)(C), and paragraph (b)(1) to read as follows:

§ 245.302–1 Policy.

(a)(4)(A) * * *

(*2*) To the Office of the Deputy Under Secretary of Defense (Industrial Affairs and Installations) for projects exceeding the limitations in paragraph (a)(4)(A)*(1)* of this subsection.

* * * * *

(C) Departments and agencies must submit reports of facilities projects to the House and Senate Armed Services Committees—

* * * * *

(b)(1)(A) *Industrial plant equipment.* Before acquiring industrial plant equipment—

(1) Submit a DD Form 1419, DoD Industrial Plant Equipment Requisition, to the Defense Supply Center Richmond (DSCR), Attn: JH, 8000 Jefferson Davis Highway, Richmond, Va 23297–5100, in accordance with AR 700–43/NAVSUP PUB 5009/AFM 78–9/DLAM 4215.1, Management of Defense-Owned Industrial Plant Equipment, to determine whether existing, reallocable Government-owned facilities can be used.

(*2*) Do not acquire any item listed on the DD Form 1419 until a certificate of nonavailability is received from DSCR.

(B) *Automatic data processing equipment.* The administrative contracting officer submits contractor requests to acquire automatic data processing equipment to the Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division, Attn: D03D, 701 South Courthouse Road, Arlington, VA 22204–2199, in accordance with the Defense Automation Resources Management Manual.

§ 245.407 [Amended]

83. Section 245.407 is amended in paragraph (a)(ii) by removing the abbreviation ''OASD(P&L)(PR)'' and inserting in its place the phrase ''the Office of the Deputy Under Secretary of Defense (Industrial Affairs and Installations)''.

§ 245.505–6 [Amended]

84. Section 245.505–6 is amended in paragraph (2) by removing the

abbreviation ''DIPEC'' and inserting in its place the phrase ''Defense Supply Center Richmond (DSCR)''.

85. Section 245.608–5 is amended by revising paragraphs (a)(2)(B) (*2*) and (*4*) and by removing paragraph (d). The revised text reads as follows:

§ 245.608–5 Special items screening.

(a) * * *

(2) * * *

(B) * * *

(*2*) Defense Supply Center Richmond—IPE components;

* * * * *

(*4*) Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division—ADPE components.

86. Section 245.608–71 is amended by revising paragraph (a); and in the introductory text of paragraph (b)(1) and paragraphs (b)(2)(i), (b)(2)(ii)(C), (b)(3)(iii), (c), and (d) by removing the abbreviation ''DIPEC'' and inserting the abbreviation ''DSCR'' in its place. The revised text reads as follows:

§ 245.608–71 Screening industrial plant equipment.

(a) *Reporting.* Within 15 days of receipt, the plant clearance officer will forward two copies of the DD Form 1342, DoD Property Record, to the Defense Supply Center Richmond (DSCR), ATTN: JH, 8000 Jefferson Davis Highway, Richmond, VA 23297–5100, for all IPE not condition coded ''X'' or ''S.'' Process IPE condition coded ''X'' or ''S'' in accordance with department or agency procedures.

* * * * *

87. Section 245.608–72 is added to read as follows:

§ 245.608–72 Screening excess automatic data processing equipment (ADPE).

Report ADPE that is Government-owned or leased by the contractor (with Government purchase option or other interests, including use rights) to the Defense Information Systems Agency, Defense Automation Resources Management Program Division (DARMP). DARMP does all required screening, including General Services Administration screening, for ADPE. (See the Defense Automation Resources Management Manual.)

§ 245.7206 [Amended]

88. Section 245.7206 is amended in the introductory text and in paragraph (j)(2) by removing the abbreviation ''DIPEC'' and inserting the abbreviation ''DSCR'' in its place.

PART 246—QUALITY ASSURANCE

89. Section 246.710 is amended by adding paragraph (4) to read as follows:

§ 246.710 Contract clauses.

* * * * *

(4) Use the clause at 252.246–7002, Warranty of Construction (Germany), in solicitations and contracts for construction when a fixed-price contact will be awarded and contract performance will be in Germany.

PART 249—TERMINATION OF CONTRACTS

§ 249.110 [Amended]

90. Section 249.110 is amended in Table 49–1, Part III—Discussion of Settlement, by revising the statement in paragraph 1.b. to read ''In the case of a lump sum settlement, comment on the general basis for and major factors concerning each element of cost and profit included.''; and by revising in paragraph 4. the word ''terminations'' to read ''termination''.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

§ 252.203–7001 [Amended]

91. Section 252.203–7001 is amended by revising the clause date to read ''(JUN 1997)'', by revising in paragraph (g) the reference ''part 13'' to read ''part 2''; and by revising in paragraph (h) the phone number ''(202) 307–1065'' to read ''(202) 616–3507''.

§§ 252.209–7003 and 252.209–7004 [Removed and reserved]

92. Sections 252.209–7003 and 252.209–7004 are removed and reserved.

§ 252.216–7002 [Removed and reserved]

93. Section 252.216–7002 is removed and reserved.

94. Section 252.216–7003 is added to read as follows:

§ 252.216–7003 Economic price adjustment—wage rates or material prices controlled by a foreign government.

As prescribed in 216.203–4–70(c), use the following clause:

ECONOMIC PRICE ADJUSTMENT—WAGE RATES OR MATERIAL PRICES CONTROLLED BY A FOREIGN GOVERNMENT (JUNE 1997)

(a) The Contractor represents that the prices set forth in this contract—

(1) Are based on the wage rate(s) or material price(s) established and controlled by the Government of_____(*Offeror insert name of host country*); and

(2) Do not include contingency allowances to pay for possible increases in wage rates or material prices.

(b) If wage rates or material prices are revised by the government named in paragraph (a) of this clause, the Contracting Officer shall make an equitable adjustment in the contract price and shall modify the contract to the extent that the Contractor's actual costs of performing this contract are increased or decreased, as a direct result of the revision, subject to the following:

(1) For increases in established wage rates or material prices, the increase in contract unit price(s) shall be effective on the same date that the government named in paragraph (a) of this clause increased the applicable wage rate(s) or material price(s), but only if the Contracting Officer receives the Contractor's written request for contract adjustment within 10 days of the change. If the Contractor's request is received later, the effective date shall be the date that the Contracting Officer received the Contractor's request.

(2) For decreases in established wage rates or material prices, the decrease in contract unit price(s) shall be effective on the same date that the government named in paragraph (a) of this clause decreased the applicable wage rate(s) or material price(s). The decrease in contract unit price(s) shall apply to all items delivered on and after the effective date of the government's rate or price decrease.

(c) No modification changing the contract unit price(s) shall be executed until the Contracting Officer has verified the applicable change in the rates or prices set by the government named in paragraph (a) of this clause. The Contractor shall make available its books and records that support a requested change in contract price.

(d) Failure to agree to any adjustment shall be a dispute under the Disputes clause of this contract.

(End of clause)

95. Section 252.219–7000 is amended by revising the clause date to read ''(June 1997)'' and in paragraph (b) by revising the introductory text and the first two entries to read as follows:

§ 252.219–7000 Small disadvantaged business concern representation (DoD) contracts).

* * * * *

(b) *Representations.* Check the category in which your ownership falls—

—Subcontinent Asian (Asian-Indian) American (U.S. citizen with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal)

—Asian-Pacific American (U.S. citizen with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands (Republic of Palau), the Northern Mariana Islands, Laos, Kampuchea (Cambodia), Taiwan, Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Republic of the Marshall Islands, the Federated States of Micronesia,

Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru)

* * * * *

96. Section 252.219–7004 is amended by revising the clause date to read ''(June 1997)'' and by revising paragraph (c) to read as follows:

§ 252.219–7004 Small, small disadvantaged and women-owned small business subcontracting plan (test program).

* * * * *

(c) The Contractor shall submit Standard Form (SF) 295, Summary Subcontract Report, in accordance with the instructions on the form, except—

(1) One copy of the SF 295 and attachments shall be submitted to Director, Small and Disadvantaged Business Utilization, Office of the Deputy Under Secretary of Defense (International and Commercial Programs), 3061 Defense Pentagon, Room 2A338, Washington, DC 20301–3061; and

(2) Item 14, Remarks, shall be completed to include semi-annual cumulative—

(i) Small business, small disadvantaged business, and women-owned small business goals; and

(ii) Small business and small disadvantaged business goals, actual accomplishments, and percentages for each of the two designated industry categories.

* * * * *

97. Section 252.219–7006 is amended by revising the clause date to read ''(June 1997)''; and by revising paragraphs (d)(1)(ii) and (d)(2) and Alternate I to read as follows:

§ 252.219–7006 Notice of evaluation preference for small disadvantaged business concerns.

* * * * *

(d) * * *

(1) * * *

(ii) Supplies (other than procurement from a regular dealer in such supplies), at least 50 percent of the cost of manufacturing, excluding the cost of materials, will be performed by the concern.

* * * * *

(2) A small disadvantaged business, historically black college or university, or minority institution regular dealer submitting an offer in its own name agrees to furnish in performing this contract only end items manufactured or produced in the United States by small disadvantaged business concerns, historically black colleges or universities, or minority institutions.

* * * * *

ALTERNATE I (JUNE 1997)

As prescribed in 219.7003, substitute the following paragraph (d)(2) for paragraph (d)(2) of the basic clause:

(d)(2) A small disadvantaged business, historically black college or university, or minority institution regular dealer submitting an offer in its own name agrees to furnish in performing this contract only end items manufactured or produced in the United States by small business concerns, historically black colleges or universities, or minority institutions.

§ 252.219–7007 [Removed and reserved]

98. Section 252.219–7007 is removed and reserved.

99. Sections 252.222–7002, 252.222–7003, and 252.222–7004 are added to read as follows:

§ 252.222–7002 Compliance with local labor laws (overseas).

As prescribed in 222.7201(a), use the following clause:

COMPLIANCE WITH LOCAL LABOR LAWS (OVERSEAS) (JUNE 1997)

(a) The Contractor shall comply with all—

(1) Local laws, regulations, and labor union agreements governing work hours; and

(2) Labor regulations including collective bargaining agreements, workers' compensation, working conditions, fringe benefits, and labor standards or labor contract matters.

(b) The Contractor indemnifies and holds harmless the United States Government from all claims arising out of the requirements of this clause. This indemnity includes the Contractor's obligation to handle and settle, without cost to the United States Government, any claims or litigation concerning allegations that the Contractor or the United States Government, or both, have not fully complied with local labor laws or regulations relating to the performance of work required by this contract.

(c) Notwithstanding paragraph (b) of this clause, consistent with paragraphs 31.205–15(a) and 31.205–47(d) of the Federal Acquisition Regulation, the Contractor will be reimbursed for the costs of all fines, penalties, and reasonable litigation expenses incurred as a result of compliance with specific contract terms and conditions or written instructions from the Contracting officer.

(End of clause)

§ 252.222–7003 Permit from Italian Inspectorate of Labor.

As prescribed in 222.7201(b), use the following clause:

PERMIT FROM ITALIAN INSPECTORATE OF LABOR (JUNE 1997)

Prior to the date set for commencement of work and services under this contract, the Contractor shall obtain the prescribed permit from the Inspectorate of Labor having jurisdiction over the work site, in accordance with Article 5g of Italian Law Number 1369, dated October 23, 1960. The Contractor shall ensure that a copy of the permit is available at all reasonable times for inspection by the Contracting Officer or an authorized representative. Failure to obtain such permit may result in termination of the contract for the convenience of the United States Government, at no cost to the United States Government.

(End of clause)

§ 252.222–7004 Compliance with Spanish social security laws and regulations.

As prescribed in 222.7201(c), use the following clause:

COMPLIANCE WITH SPANISH SOCIAL SECURITY LAWS AND REGULATIONS (JUNE 1997)

(a) The Contractor shall comply with all Spanish Government social security laws and regulations. Within 30 calendar days after the start of contract performance, the Contractor shall ensure that copies of the documents identified in paragraph (a)(1) through (a)(5) of this clause are available at all reasonable times for inspection by the Contracting Officer or an authorized representative. The Contractor shall retain the records in accordance with the Audit and Records clause of this contract.

(1) TC1—Certificate of Social Security Payments;

(2) TC2—List of Employees;

(3) TC2/1—Certificate of Social Security Payments for Trainees;

(4) Nominal (pay statements) signed by both the employee and the Contractor; and

(5) Informa de Situacion de Empressa (Report of the Condition of the Enterprise) from the Ministerio de Trabajo y S.S., Tesoreria General de la Seguridad Social (annotated with the pertinent contract number(s) next to the employee's name).

(b) All TC1's, TC2's, and TC2/1's shall contain a representation that they have been paid by either the Social Security Administration office or the Contractor's bank or savings institution. Failure by the Contractor to comply with the requirements of this clause may result in termination of the contract under the clause of the contract entitled ''Default.''

(End of clause)

§ 252.225–7004 [Removed and reserved]

100. Section 252.225–7004 is removed and reserved.

101. Sections 252.225–7006 and 252.225–7007 are revised to read as follows:

§ 252.225–7006 Buy American Act—trade agreements—Balance of Payments Program certificate.

As prescribed in 225.408(a)(1), use the following provision:

BUY AMERICAN ACT—TRADE AGREEMENTS—BALANCE OF PAYMENTS PROGRAM CERTIFICATE (JUNE 1997)

(a) *Definitions.* ''Caribbean Basin country end product,'' ''designated country end product,'' ''domestic end product,'' ''NAFTA country end product,'' ''nondesignated country end product,'' ''qualifying country end product,'' and ''U.S. made end product'' have the meanings given in the Trade Agreements and the Buy American Act and Balance of Payments Program clauses of this solicitation.

(b) *Evaluation.* Offers will be evaluated in accordance with the policies and procedures

of Part 225 of the Defense Federal Acquisition Regulation Supplement. Offers of foreign end products that are not U.S. made, qualifying country, designated country, Caribbean Basin country, or NAFTA country end products will not be considered for award, unless the Contracting Officer determines that there are no offers of such end products; or the offers of such end products are insufficient to fulfill the requirements; or a national interest exception to the Trade Agreements Act is granted.

(c) *Certifications.* (1) The Offeror certifies that—

(i) Each end product, except the end products listed in paragraph (c)(2) of this provision, is a domestic end product (as defined in the Buy American Act and Balance of Payments Program clause of this solicitation); and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The Offeror must identify and certify all end products that are not domestic end products.

(i) The Offeror certifies that the following supplies qualify as ''U.S. made end products'' but do not meet the definition of ''domestic end product'':

(insert line item number)

_____

(ii) The Offeror certifies that the following supplies are qualifying country end products:

(insert line item number)

_____

(insert country of origin)

_____

(iii) The Offeror certifies that the following supplies qualify as designated country end products:

(insert line item number)

_____

(insert country of origin)

_____

(iv) The Offeror certifies that the following supplies qualify as Caribbean Basin country end products:

(insert line item number)

_____

(insert country of origin)

_____

(v) The Offeror certifies that the following supplies qualify as NAFTA country end products:

(insert line item number)

_____

(insert country of origin)

_____

(vi) The Offeror certifies that the following supplies are other nondesignated country end products.

(insert line item number)

_____

(insert country of origin)

_____

(End of provision)

§ 252.225–7007 Trade agreements.

As prescribed in 225.408(a)(2), use the following clause:

TRADE AGREEMENTS (JUNE 1997)

(a) *Definitions.* As used in this clause—

(1) ''Caribbean Basin country'' means—

Antigua and Barbuda
Aruba
Bahamas
Barbados
Belize
British Virgin Islands
Costa Rica
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Montserrat
Netherlands Antilles
Nicaragua
Panama
St. Kitts-Nevis
St. Lucia
St. Vincent and the Grenadines
Trinadad and Tobago

(2) ''Caribbean Basin country end product''—

(i) Means an article that—

(A) Is wholly the growth, product, or manufacture of a Caribbean Basin country; or

(B) In the case of an article that consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in a Caribbean Basin country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed the value of the product itself.

(ii) Excludes products, other than petroleum and any product derived from petroleum, that are not granted duty-free treatment under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)). These exclusions presently consist of—

(A) Textiles and apparel articles that are subject to textile agreements;

(B) Footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated as eligible articles for the purpose of the Generalized System of Preferences under Title V of the Trade Act of 1974;

(C) Tuna, prepared or preserved in any manner in airtight containers; and

(D) Watches and watch parts (including cases, bracelets, and straps) of whatever type, including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material that is the product of any country to which Harmonized Tariff Schedule column 2 rates of duty apply.

(3) ''Components,'' ''domestic end product,'' ''end product,'' ''nonqualifying country,'' ''qualifying country,'' and ''qualifying country end product'' have the meanings given in the Buy American Act and Balance of Payments Program clause of this contract.

(4) ''Designated country'' means—

Aruba
Austria
Bangladesh
Belgium
Benin
Bhutan
Botswana
Burkina Faso
Burundi
Canada
Cape Verde
Central African Republic
Chad
Comoros
Denmark
Djibouti
Equatorial Guinea
Finland
France
Gambia
Germany
Greece
Guinea
Guinea-Bissau
Haiti
Ireland
Israel
Italy
Japan
Kiribati
Lesotho
Liechtenstein
Luxembourg
Malawi
Maldives
Mali
Mozambique
Nepal
Netherlands
Niger
Norway
Portugal
Republic of Korea
Rwanda
Sao Tome and Principe
Sierra Leone
Singapore
Somalia
Spain
Sweden
Switzerland
Tanzania U.R.
Togo
Tuvalu
Uganda
United Kingdom
Vanuatu
Western Samoa
Yemen

(5) ''Designated country end product'' means an article that—

(i) Is wholly the growth, product, or manufacture of the designated country; or

(ii) In the case of an article that consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in a designated country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term

refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed the value of the product itself.

(6) ''NAFTA country end product'' means an article that—

(i) Is wholly the growth, product, or manufacture of the NAFTA country; or

(ii) In the case of an article that consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in a NAFTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed the value of the product itself.

(7) ''Nondesignated country end product'' means any end product that is not a U.S. made end product or a designated country end product.

(8) ''North American Free Trade Agreement (NAFTA) country'' means Canada or Mexico.

(9) ''United States'' means the United States, its possessions, Puerto Rico, and any other place subject to its jurisdiction, but does not include leased bases or trust territories.

(10) ''U.S. made end product'' means an article that—

(i) Is wholly the growth, product, or manufacture of the United States; or

(ii) In the case of an article that consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

(b) Unless otherwise specified, the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), the North American Free Trade Agreement Implementation Act of 1993 (19 U.S.C. 3301 note), and the Caribbean Basin Initiative apply to all items in the Schedule.

(c)(1) The Contractor agrees to deliver under this contract only domestic end products unless, in its offer, it specified delivery of U.S. made, qualifying country, designated country, Caribbean Basin country, NAFTA country, or other nondesignated country end products in the Buy American Act—Trade Agreements—Balance of Payments Program Certificate provision of the solicitation.

(2) The Contractor may not supply a nondesignated country end product unless—

(i) It is a qualifying country end product, a Caribbean Basin country end product, or a NAFTA country end product;

(ii) The Contracting Officer has determined that offers of U.S. made end products or qualifying, designated, NAFTA, or Caribbean Basin country end products from responsive, responsible offerors are either not received or are insufficient to fill the Government's requirements; or

(iii) A national interest waiver has been granted under section 302 of the Trade Agreements Act of 1979 (see FAR 25.402(c)).

(d) The offered price of end products listed and certified under paragraphs (c)(2)(i) and (vi) of the Buy American Act—Trade Agreements—Balance of Payments Program Certificate provision of the solicitation must include all applicable duty. The offered price of qualifying country end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products for line items subject to the Trade Agreements Act, or the North American Free Trade Agreement Implementation Act, should not include custom fees or duty.

(End of clause)

Alternate I (June. 1997). As prescribed in 225.408(a)(2), delete Singapore from the list of designated countries in paragraph (a)(4) of the basic clause.

102. Section 252.225–7016 is amended by revising the clause date to read ''(JUN 1997)''; and by revising paragraphs (b) and (c) to read as follows:

§ 252.225–7016 Restriction on acquisition of ball and roller bearings.

* * * * *

(b) The Contractor agrees that, except as provided in paragraph (c) of this clause, all ball and roller bearings and ball and roller bearing components (including miniature and instrument ball bearings) delivered under this contract, either as end items or components of end items, shall be wholly manufactured in the United Stats or Canada. Unless otherwise specified, raw materials, such as performed bar, tube, or rod stock and lubricants, need not be mined or produced in the United States or Canada.

(c)(1) The restriction in paragraph (b) of this clause does not apply to the extent that—

(i) The end items or components containing ball or roller bearings are commercial items; or

(ii) The ball or roller bearings are commercial items manufactured in a qualifying country listed in subsection 225.872–1 of the Defense Federal Acquisition Regulation Supplement.

(2) The commercial item exception in paragraph (c)(1) of this clause does not include items designed or developed under a Government contract or contracts where the end item is bearings and bearing components.

* * * * *

103. Section 252.225–7022 is revised to read as follows:

§ 252.225–7022 Restriction on acquisition of polyacrylonitrile (PAN) carbon fiber.

As prescribed in 225.7103–3, use the following clause:

RESTRICTION ON ACQUISITION OF POLYACRYLONITRILE (PAN) CARBON FIBER (JUNE 1997)

(a) This clause applies only if the end product furnished under this contract contains polyacrylonitrile carbon fibers (alternatively referred to as PAN-based carbon fibers or PAN-based graphite fibers).

(b) PAN carbon fibers contained in the end product shall be manufactured in the United States or Canada using PAN precursor produced in the United States or Canada.

(c) The Contracting Officer may waive the requirement in paragraph (b) of this clause in whole or in part. The Contractor may request a waiver from the Contracting Officer by identifying the circumstances and including a plan to qualify U.S. or Canadian sources expeditiously.

(End of clause)

104. Section 252.225–7025 is revised to read as follows:

§ 252.225–7025 Restriction on acquisition of forgings.

As prescribed in 225.7102–4, use the following clause:

RESTRICTION ON ACQUISITION OF FORGINGS (JUNE 1997)

(a) *Definitions.* As used in this clause—

(1) ''Domestic manufacture'' means manufactured in the United States or Canada if the Canadian firm—

(i) Normally produces similar items or is currently producing the item in support of DoD contracts (as prime or subcontractor); and

(ii) Agrees to become (upon receiving a contract/order) a planned producer under DoD's Industrial Preparedness Production Planning Program, if it is not already a planned producer for the item.

(2) ''Forging items'' means—

Items	Categories
Ship propulsion shafts	Excludes service and landing craft shafts.
Periscope tubes	All.
Ring forgings for bull gears.	All greater than 120 inches in diameter.

(b) The Contractor agrees that end items and their components delivered under this contract shall contain forging items that are of domestic manufacture only.

(c) The restriction in paragraph (b) of this clause may be waived upon request from the Contractor in accordance with subsection 225.7102–3 of the Defense Federal Acquisition Regulation Supplement.

(d) The Contractor agrees to retain records showing compliance with this restriction until 3 years after final payment and to make records available upon request of the Contracting Officer.

(e) The Contractor agrees to insert this clause, including this paragraph (e), in subcontracts and purchase orders issued in performance of this contract, when products purchased contain restricted forging items.

(End of clause)

105. Section 252.225–7029 is revised to read as follows:

§ 252.225–7029 Preference for United States or Canadian air circuit breakers.

As prescribed in 225.7016–4, use the following clause:

PREFERENCE FOR UNITED STATES OR CANADIAN AIR CIRCUIT BREAKERS (JUNE 1997)

(a) Unless otherwise specified in this offer, the Contractor agrees that air circuit breakers for naval vessels provided under this contract shall be manufactured in the United States or a qualifying country listed in subsection 225.872–1 of the Defense Federal Acquisition Regulation Supplement (DFARS).

(b) Unless an exception applies or a waiver is granted under 225.7005(b)(1) of the DFARS, preference will be given to air circuit breakers manufactured in the United States or Canada by adding 50 percent for evaluation purposes to the offered price of all other air circuit breakers, except air circuit breakers manufactured in a qualifying country.

(End of clause)

§ 252.225–7034 [Removed and reserved]

106. Section 252.225–7034 is removed and reserved.

§ 252.225–7040 [Added and reserved]

107. Section 252.225–7040 is add and reserved.

108. Sections 252.225–7041 and 252–225–7042 are added to read as follows:

§ 252.225–7041 Correspondence in English.

As prescribed in 225.971, use the following clause:

CORRESPONDENCE IN ENGLISH (JUNE 1997)

The Contractor shall ensure that all contract correspondence that is addressed to the United States Government is submitted in English or with an English translation.

(End of clause)

§ 252.225–7042 Authorization to perform.

As prescribed in 225.97, use the following clause:

AUTHORIZATION TO PERFORM (JUNE 1997)

The Contractor represents that it has been duly authorized to operate and to do business in the country or countries in which this contract is to be performed. The Contractor also represents that it will fully comply with all laws, decrees, labor standards, and regulations of such country or countries, during the performance of this contract.

(End of clause)

§ 252.227–7030 [Amended]

109. Section 252.227–7030 is amended in the introductory text by removing the reference ''227.7103–6(f)(2)'' and inserting in its place the reference ''227.7103–6(e)(2)''.

110. Section 252.228–7006 is added to read as follows:

§ 252.8–7006 Compliance with Spanish laws and insurance.

As prescribed at 228.370(f), use the following clause:

COMPLIANCE WITH SPANISH LAWS AND INSURANCE (JUNE 1997)

(a) The Contractor shall, without additional expense to the United States Government, comply with all applicable Spanish Government laws pertaining to sanitation, traffic, security, employment of labor, and all other laws relevant to the performance of this contract. The Contractor shall hold the United States Government harmless and free from any liability resulting from the Contractor's failure to comply with such laws.

(b) The contractor shall, at its own expense, provide and maintain during the entire performance of this contract, all workmen's compensation, employees' liability, bodily injury insurance, and other required insurance adequate to cover the risk assumed by the Contractor. The Contractor shall indemnify and hold harmless the United States Government from liability resulting from all claims for damages as a result of death or injury to personnel or damage to real or personal property related to the performance of this contract.

(c) The Contractor agrees to represent in writing to the Contracting Officer, prior to commencement of work and not later than 15 days after the date of the Notice to Proceed, that the Contractor has obtained the required types of insurance in the following minimum amounts. The representation also shall state that the Contractor will promptly notify the Contracting Officer of any notice of cancellation of insurance or material change in insurance coverage that could affect the United States Government's interests.

Type of insurance	Coverage per person	Coverage per accident	Property damage
Comprehensive General Liability	$300,000	$1,000,000	$100,000

(d) The Contractor shall provide the Contracting Officer with a similar representation for all subcontractors that will perform work under this contract.

(e) Insurance policies required herein shall be purchased from Spanish insurance companies or other insurance companies legally authorized to conduct business in Spain. Such policies shall conform to Spanish laws and regulations and shall—

(1) Contain provisions requiring submission to Spanish law and jurisdiction of any problem that may arise with regard to the interpretation or application of the clauses and conditions of the insurance policy;

(2) Contain a provision authorizing the insurance company, as subrogee of the insured entity, to assume and attend to directly, with respect to any person damaged, the legal consequences arising from the occurrence of such damages;

(3) Contain a provision worded as follows: ''The insurance company waives any right of subrogation against the United States of America that may arise by reason of any payment under this policy.'';

(4) Not contain any deductible amount or similar limitation; and

(5) Not contain any provisions requiring submission to any type of arbitration.

(End of clause)

111. Sections 252.229–7000 through 252.229–7010 are added to read as follows:

§ 252.229–7000 Invoices exclusive of taxes or duties.

As prescribed in 229.402–1, use the following clause:

INVOICES EXCLUSIVE OF TAXES OR DUTIES (JUNE 1997)

Invoices submitted in accordance with the terms and conditions of this contract shall be exclusive of all taxes or duties for which relief is available.

(End of clause)

§ 252.229–7001 Tax relief.

As prescribed in 229.402–70(a), use the following clause:

TAX RELIEF (JUNE 1997)

(a) Prices set forth in this contract are exclusive of all taxes and duties from which the United States Government is exempt by virtue of tax agreements between the United States Government and the Contractor's government. The following taxes or duties have been excluded from the contract price:

NAME OF TAX: (Offeror Insert) RATE (PERCENTAGE): (Offeror Insert)

(b) The Contractor's invoice shall list separately the gross price, amount of tax deducted, and net price charged.

(c) When items manufactured to United States Government specifications are being acquired, the Contractor shall identify the materials or components intended to be imported in order to ensure that relief from import duties is obtained. If the Contractor intends to use imported products from inventories on hand, the price of which includes a factor for import duties, the Contractor shall ensure the United States Government's exemption from these taxes. The Contractor may obtain a refund of the import duties from its government or request the duty-free import of an amount of supplies or components corresponding to that used from inventory for this contract.

(End of clause)

ALTERNATE I (JUNE 1997)

As prescribed in 229.402–70(a), add the following paragraph (d) to the basic clause:

(d) Tax relief will be claimed in Germany pursuant to the provisions of the Agreement Between the United States of America and Germany Concerning Tax Relief to be Accorded by Germany to United States Expenditures in the Interest of Common Defense. The Contractor shall use Abwicklungsschein fuer abgabenbeguenstigte Lieferungen/Leistungen nach dem Offshore Steuerabkommen (Performance Certificate for Tax-Free Deliveries/Performance according to the Offshore Tax Relief Agreement) or other documentary evidence acceptable to the German tax authorities. All purchases made and paid for on a tax-free basis during a 30-day period may be accumulated, totaled, and reported as tax-free.

§ 252.229–7002 Customs exemptions (Germany).

As prescribed in 229.402–70(b), use the following clause:

CUSTOMS EXEMPTIONS (GERMANY) (JUNE 1997)

Imported products required for the direct benefit of the United States Forces are authorized to be acquired duty-free by the Contractor in accordance with the provisions of the Agreement Between the United States of America and Germany Concerning Tax Relief to be Accorded by Germany to United States Expenditures in the Interest of Common Defense.

(End of clause)

§ 252.229–7003 Tax exemptions (Italy).

As prescribed in 229.402–70(c), use the following clause:

TAX EXEMPTIONS (ITALY) (JUNE 1997)

(a) The Contractor represents that the contract prices, including the prices in subcontracts awarded hereunder, do not include taxes from which the United States Government is exempt.

(b) The United States Government is exempt from payment of Imposta Valore Aggiunto (IVA) tax in accordance with Article 72 of the IVA implementing decree on all supplies and services sold to United States Military Commands in Italy.

(1) Upon receipt of the invoice, the paying office will stamp the following statement on one copy of the invoice:

''I certify that this invoice is true and correct and reflects expenditures made in Italy for the Common Defense by the United States Government pursuant to international agreements. The amount to be paid does not include the IVA tax, because this transaction is not subject to the tax in accordance with Article 72 of Decree Law 633, dated October 26, 1972.''

(2) This certified copy, signed by an authorized Government official, will be returned together with payment to the Contractor. The payment will not include the amount of IVA tax.

(3) The Contractor must retain this copy of the invoice with the representation to substantiate non-payment of the IVA tax.

(c) In addition to the IVA tax, purchases by the United States Forces in Italy are exempt from the following taxes:

(1) Imposta di Fabbricazione (Production Tax for Petroleum Products).

(2) Imposta di Consumo (Consumption Tax for Electrical Power).

(3) Dazi Doganali (Customs Duties).

(4) Tassa di Sbarco e d'Imbarco sulle Merci Transportate per Via Aerea e per Via Maritima (Port Fees).

(5) Tassa de Circolazione sui Veicoli (Vehicle Circulation Tax).

(6) Imposta di Registro (Registration Tax).

(7) Imposta di Bollo (Stamp Tax).

(d) The Contractor's administrative procedures for claiming and validating the exemptions are as follows:

(1) Contract offer price shall reflect IVA or any other tax or duty.

(2) Contract number must be set forth on Contractor invoices, which should state the exemptions claimed pursuant to Article 72 of Decree Law 633, dated October 26, 1972, for IVA exemption.

(3) Fiscal code for appropriated funds payments by Aviano Air Base is: 91000190933.

(4) Questions may be addressed to the Ministry of Finance, 11th District, Rome (06) 5910982.

(End of clause)

§ 252.229–7004 Status of contractors as a direct contractor (Spain).

As prescribed in 229.402–70(d), use the following clause:

Status of Contractor as a Director Contract (Spain) (June 1997)

(a) ''Direct Contractor,'' as used in this clause, means an individual, company, or entity with whom an agency of the United States Department of Defense has executed a written agreement that allows duty-free import of equipment, materials, and supplies into Spain for the construction, development, maintenance, and operation of Spanish-American installations and facilities.

(b) The Contractor is hereby designated as a Direct Contractor under the provisions of Complementary Agreement 5, articles 11, 14, 15, 17, and 18 of the Agreement on Friendship, Defense and Cooperation between the United States Government and the Kingdom of Spain, dated July 2, 1982. The Agreement relates to contacts to be performed in whole or part in Spain, the provisions of which are hereby incorporated into and made a part of this contract by reference.

(c) The Contractor shall apply to the appropriate Spanish authorities for approval of status as a Direct Contractor in order to complete duty-free import of non-Spanish equipment, materials, and supplies represented as necessary for contract performance by the Contracting Officer. Orders for equipment, materials, and supplies placed prior to official notification of such approval shall be at the Contractor's own risk. The Contractor must submit its documentation in sufficient time to permit processing by the appropriate United States and Spanish Government agencies prior to the arrival of the equipment, material, or supplies in Spain. Seasonal variations in processing times are common, and the Contractor should program its projects accordingly. Any delay or expense arising directly or indirectly from this process shall not excuse untimely performance (except as expressly allowed in other provisions of this contract), constitute a direct or constructive change, or otherwise provide a basis for additional compensation or adjustment of any kind.

(d) To ensure that all duty-free imports are properly accounted for, exported, or disposed of, in accordance with Spanish law, the Contractor shall obtain a written bank letter of guaranty payable to the Treasurer of the United States, or such other authority as may be designated by the Contracting Officer, in the amount set forth in paragraph (g) of this clause, prior to effecting any duty-free imports for the performance of this contract.

(e) If the Contractor fails to obtain the required guaranty, the Contractor agrees that the Contracting Officer may withhold a portion of the contract payments in order to establish a fund in the amount set forth in paragraph (g) of this clause. The fund shall be used for the payment of import taxes in the event that the Contractor fails to properly account for, export, or dispose of equipment, materials, or supplies imported on a duty-free basis.

(f) The amount of the bank letter of guaranty or size of the fund required under paragraph (d) or (e) of this clause normally shall be 5 percent of the contract value. However, if the Contractor demonstrates to the Contracting Officer's satisfaction that the amount retained by the United States Government or guaranteed by the bank is excessive, the amount shall be reduced to an amount commensurate with contingent import tax and duty-free liability. This bank guaranty or fund shall not be released to the Contractor until the Spanish General Directorate of Customs verifies the accounting, export, or disposition of the equipment, material, or supplies imported on a duty-free basis.

(g) The amount required under paragraph (d), (e), or (f) of this clause is (*Contracting Officer insert amount at time of contract award).*

(h) The Contractor agrees to insert the provisions of this clause, including this paragraph (h), in all subcontracts.

(End of clause)

§ 252.229–7005 Tax exemptions (Spain).

As prescribed in 229.402–70(e), use the following clause:

Tax Exemptions (Spain) (June 1997)

(a) The Contractor represents that the contract prices, including subcontract prices, do not include the taxes identified herein, or any other taxes from which the United States Government is exempt.

(b) In accordance with tax relief agreements between the United States Government and the Spanish Government, and because the incumbent contract arises from the activities of the United States Forces in Spain, the contract will be exempt from the following excise, luxury, and transaction taxes:

(1) Derechos de Aduana (Customs Duties).

(2) Impuesto de Compensacion a la Importacion (Compensation Tax on Imports).

(3) Transmissiones Patrionomiales (Property Transfer Tax).

(4) Impuesto Sobre el Lujo (Luxury Tax).
(5) Actos Juridocos Documentados (Legal Official Transactions).
(6) Impuesto Sobre el Trafico de Empresas (Business Trade Tax).
(7) Impuestos Especiales de Fabricacion (Special Products Tax).
(8) Impuesto Sobre el Petroleo y Derivados (Tax on Petroleum and its By-Products).
(9) Impuesto Sobre el Uso de Telefona (Telephone Tax).
(10) Impuesto General Sobre la Renta de Sociedades y demas Entidades Juridicas (General Corporation Income Tax).
(11) Impuesto Industrial (Industrial Tax).
(12) Impuesto de Rentas Sobre el Capital (Capital Gains Tax).
(13) Plus Vailia (Increase on Real Property).
(14) Contribucion Territorial Urbana (Metropolitan Real Estate Tax).
(15) Contribucion Territorial Rustica y Pecuaria (Farmland Real Estate Tax).
(16) Impuestos de la Diputacion (County Service Charges).
(17) Impuestos Municipal y Tasas Parafiscales (Municipal Tax and Charges).

(End of clause)

§ 252.229–7006 Value added tax exclusion (United Kingdom).

As prescribed in 229.402–70(f), use the following clause:

VALUE ADDED TAX EXCLUSION (UNITED KINGDOM) (JUNE 1997)

The supplies or services identified in this contract are to be delivered at a price exclusive of value added tax under arrangements between the appropriate United States authorities and Her Majesty's Customs and Excise (Reference Priv 46/7). By executing this contract, the Contracting Officer certifies that these supplies or services are being purchased for United States Government official purposes only.

(End of clause)

§ 252.229–7007 Verification of United States receipt of goods.

As prescribed in 229.402–70(g), use the following clause:

VERIFICATION OF UNITED STATES RECEIPT OF GOODS (JUNE 1997)

The Contractor shall insert the following statement on all Material Inspection and Receiving Reports (DD Form 250 series) for Contracting Officer approval: ''I certify that the items listed on this invoice have been received by the United States.''

(End of clause)

§ 252.229–7008 Relief from import duty (United Kingdom).

As prescribed in 229.402–70(h), use the following clause:

RELIEF FROM IMPORT DUTY (UNITED KINGDOM) (JUNE 1997)

Any import dutiable articles, components, or raw materials supplied to the United States Government under this contract shall be exclusive of any United Kingdom import duties. Any imported items supplied for which import duty already has been paid will be supplied at a price exclusive of the amount of import duty paid. The Contractor is advised to contact Her Majesty's (HM) Customs and Excise to obtain a refund upon completion of the contract (Reference HM Customs and Excise Notice No. 431, February 1973, entitled ''Relief from Customs Duty and/or Value Added Tax on United States Government Expenditures in the United Kingdom'').

(End of clause)

§ 252.229–7009 Relief from customs duty and value added tax on fuel (passenger vehicles) (United Kingdom).

As prescribed in 229.402–70(i), use the following clause:

RELIEF FROM CUSTOMS DUTY AND VALUE ADDED TAX ON FUEL (PASSENGER VEHICLES) (UNITED KINGDOM) (JUNE 1997)

(a) Pursuant to an agreement between the United States Government and Her Majesty's (HM) Customs and Excise, fuels and lubricants used by passenger vehicles (except taxis) in the performance of this contract will be exempt from customs duty and value added tax. Therefore, the procedures outlined in HM Customs and Excise Notice No. 431B, August 1982, and any amendment thereto, shall be used to obtain relief from both customs duty and value added tax for fuel used under the contract. These procedures shall apply to both loaded and unloaded miles. The unit prices shall be based on the recoupment by the Contractor of customs duty in accordance with the following allowances:
(1) Vehicles (except taxis) with a seating capacity of less than 29, one gallon for every 27 miles.
(2) Vehicles with a seating capacity of 29–53, one gallon for every 13 miles.
(3) Vehicles with a seating capacity of 54 or more, one gallon for every 10 miles.
(b) In the event the mileage of any route is increased or decreased within 10 percent, resulting in no change in route price, the customs duty shall be reclaimed from HM Customs and Excise on actual mileage performed.

(End of clause)

§ 252.229–7010 Relief from customs duty on fuel (United Kingdom).

As prescribed in 229.402–70(j), use the following clause:

RELIEF FROM CUSTOMS DUTY ON FUEL (UNITED KINGDOM) (JUNE 1997)

(a) Pursuant to an agreement between the United States Government and Her Majesty's (HM) Customs and Excise, it is possible to obtain relief from customs duty on fuels and lubricants used in support of certain contracts. If vehicle fuels and lubricants are used in support of this contract, the Contractor shall seek relief from customs duty in accordance with HM Customs Notice No. 431, February 1973, entitled ''Relief from Customs Duty and/or Value Added Tax on United States Government Expenditures in the United Kingdom.'' Application should be sent to the Contractor's local Customs and Excise Office.
(b) Specific information should be included in the request for tax relief, such as the number of vehicles involved, types of vehicles, rating of vehicles, fuel consumption, estimated mileage per contract period, and any other information that will assist HM Customs and Excise in determining the amount of relief to be granted.
(c) Within 30 days after the award of this contract, the Contractor shall provide the Contracting Officer with evidence that an attempt to obtain such relief has been initiated. In the event the Contractor does not attempt to obtain relief within the time specified, the Contracting Officer may deduct from the contract price the amount of relief that would have been allowed if HM Customs and Excise had favorably considered the request for relief.
(d) The amount of any rebate granted by HM Customs and Excise shall be paid in full to the United States Government. Checks shall be made payable to the Treasurer of the United States and forwarded to the Administrative Contracting Officer.

(End of clause)

112. Section 252.232–7008 is added to read as follows:

§ 252.232–7008 Assignment of claims (overseas).

As prescribed in 232.806(a)(1), use the following clause:

ASSIGNMENT OF CLAIMS (OVERSEAS) (JUNE 1997)

(a) No claims for monies due, or to become due, shall be assigned by the Contractor unless—
(1) Approved in writing by the Contracting Officer;
(2) Made in accordance with the laws and regulations of the United States of America; and
(3) Permitted by the laws and regulations of the Contractor's country.
(b) In no event shall copies of this contract of any plans, specifications, or other similar documents relating to work under this contract, if marked ''Top Secret,'' ''Secret,'' or ''Confidential'' be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive such documents. However, a copy of any part or all of this contract so marked may be furnished, or any information contained herein may be disclosed, to such assignee upon the Contracting Officer's prior written authorization.
(c) Any assignment under this contract shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing. On each invoice or voucher submitted for payment under this contract to which any assignment applies, and for which direct payment thereof is to be made to an assignee, the Contractor shall—
(1) Identify the assignee by name and complete address; and
(2) Acknowledge the validity of the assignment and the right of the named

assignee to receive payment in the amount invoiced or vouchered.

(End of clause)

§ 252.233–7000 [Added and reserved]

113. Section 252.233–7000 is added and reserved.

114. Section 252.233–7001 is added to read as follows:

§ 252.233–7001 Choice of law (overseas).

As prescribed in 233.215–70, use the following clause:

CHOICE OF LAW (OVERSEAS) (JUNE 1997)

This contract shall be construed and interpreted in accordance with the substantive laws of the United States of America. By the execution of this contract, the Contractor expressly agrees to waive any rights to invoke the jurisdiction of local national courts where this contract is performed and agrees to accept the exclusive jurisdiction of the United States Armed Services Board of Contract Appeals and the United States Court of Federal Claims for hearing and determination of any and all disputes that may arise under the Disputes clause of this contract.

(End of clause)

§ 252.234–7000 [Amended]

115. Section 252.234–7000 is amended in paragraph (a) by removing the phrase ''Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems'' and inserting in its place the phrase ''Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs''.

§ 252.234–7001 [Amended]

116. Section 252.234–7001 is amended in paragraph (a) by removing the phrase ''Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems (MAIS) Acquisition Programs''.

§ 252.243–7002 [Removed and reserved]

117. Section 252.242–7002 is removed and reserved.

§ 252.242–7003 [Amended]

118. Section 252.242–7003 is amended in the introductory test by revising the reference ''252.1404–2–70(b)'' to read ''242.1404–2–70''.

§ 252.242–7005 [Amended]

119. Section 252.242–7005 is amended in paragraph (c) by removing the phrase ''Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems'' and inserting in its place the phrase ''Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs''.

§ 252.242–7006 [Amended]

120. Section 252.242–7006 is amended in paragraph (b) by removing the phrase ''Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems'' and inserting in its place the phrase ''Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs''.

121. Section 252.246–7002 is added to read as follows:

§ 252.246–7002 Warranty of construction (Germany).

As prescribed in 246.710(4), use the following clause:

WARRANTY OF CONSTRUCTION (GERMANY) (JUNE 1997)

(a) In addition to any other representations in this contract, the Contractor warrants, except as provided in paragraph (j) of this clause, that the work performed under this contract conforms to the contract requirements and is free of any defect of equipment, material, or design furnished or workmanship performed by the Contractor or any subcontractor or supplier at any tier.

(b) This warranty shall continue for the period(s) specified in Section 13, VOB, Part B, commencing from the date of final acceptance of the work under this contract. If the Government takes possession of any part of the work before final acceptance, this warranty shall continue for the period(s) specified in Section 13, VOB, Part B, from the date the Government takes possession.

(c) The Contractor shall remedy, at the Contractor's expense, any failure to conform or any defect. In addition, the Contractor shall remedy, at the Contractor's expense, any damage to Government-owned or -controlled read or personal property when that damage is the result of—

(1) The Contractor's failure to conform to contract requirements; or

(2) Any defect of equipment, material, or design furnished or workmanship performed.

(d) The Contractor shall restore any work damaged in fulfilling the terms and conditions of this clause.

(e) The Contracting Officer shall notify the Contractor, in writing, within a reasonable period of time after the discovery of any failure, defect, or damage.

(f) If the Contractor fails to remedy any failure, defect, or damage within a reasonable period of time after receipt of notice, the Government shall have the right to replace, repair, or otherwise remedy the failure, defect, or damage at the Contractor's expense.

(g) With respect to all warranties, express or implied, from subcontractors, manufacturers, or suppliers for work performed and materials furnished under this contract, the Contractor shall—

(1) Obtain all warranties that would be given in normal commercial practice;

(2) Require all warranties to be executed in writing, for the benefit of the Government, if directed by the Contracting Officer; and

(3) Enforce all warranties for the benefit of the Government as directed by the Contracting Officer.

(h) In the event the Contractor's warranty under paragraph (b) of this clause has expired, the Government may bring suit at its expense to enforce a subcontractor's, manufacturer's, or supplier's warranty.

(i) Unless a defect is caused by the Contractor's negligence, or the negligence of a subcontractor or supplier at any tier, the Contractor shall not be liable for the repair of any defects of material or design furnished by the Government or for the repair of any damage resulting from any defeat in Government-furnished material or design.

(j) This warranty shall not limit the Government's right under the Inspection clause of this contract, with respect to latent defects, gross mistakes, or fraud.

(End of clause)

PART 253—FORMS

122. Section 253.204–70 is amended by revising the heading of paragraph (b)(2); the introductory text of paragraph (b)(13)(i)(E); paragraph (B)(13)(i)(F); paragraph (B)(13)(iv)(C); paragraph (c)(2); paragraph (c)(4)(iv)(A); paragraph (c)(4)(viii)(B)*(8)(1)*; paragraph (d)(5)(i)(J); paragraph (d)(5)(ii)(B); paragraph (d)(5)(iv)(E)*(l)*; and paragraph (d)(5)(x)(B)*(14)* to read as follows:

§ 253.204–70 DD Form 350, Individual Contracting Action Report.

* * * * *

(b) * * *

(2) Block B2, Modification, Order or Other ID Number.* * *

* * * * *

(13) * * *

(i) * * *

(E) *Code 6—Order/Call under Federal Schedule.* Enter code 6 if the contracting action is a blanket purchase agreement call established with a Federal schedule contractor pursuant to FAR 13.202(c)(3), or an order under a—

* * * * *

(F) *Code 8—Order from Procurement List.* Enter code 8 if the contracting action is an action placed with Federal Prison Industries (UNICOR) or a JWOD Participating Nonprofit Agency in accordance with FAR subpart 8.6 or 8.7. When the contracting action is a modification to an action described in code 8 instructions, enter code 8 in B13A.

* * * * *

(iv) * * *

(C) *Code C—Funding Action.* Enter code C when the contracting action is a modification (to a letter or other contract) for the sole purpose of obligating or deobligating funds. This includes—

(1) Incremental funding (other than incremental yearly buys under multiyear contracts, which are coded B);

(2) Changes to the estimated cost on cost-reimbursement contracts;

(3) Repricing actions covering incentive price revisions;

(4) Economic price adjustments; and

(5) Initial citation and obligation of funds for a contract awarded in one fiscal year but not effective until a subsequent fiscal year.

* * * * *

(c) * *

(2) Do not complete Part C if the contracting action is an action with a government agency, i.e., Block B5B (Government Agency) is coded Y (Yes).

* * * * *

(4) * * *

(iv) * * *

(A) *Code Y—Yes—Positive Response to 252.247–7022 or 252.212–7000(c)(2).*

Enter code Y when the contractor's response to the provision at 252.247–7022, Representation of Extent of Transportation by Sea, or 252.212–7000(c)(2), Offeror Representations and Certifications—Commercial Items, indicates that the contractor anticipates that some of the supplies being provided may be transported by sea.

* * * * *

(viii) * * *

(B) * * *

(8) * * *

(i) Set-aside for small business concerns (see FAR 6.203) including small business innovation research (SBIR) actions and awards to qualified nonprofit agencies employing people who are blind or severely disabled which were participating in a set-aside for small business concerns (see FAR 19.501(h)).

* * * * *

(d) * * *

(5) * * *

(i) * * *

(J) *Code Z—Other Nonprofit.* Enter code Z if the contractor is a nonprofit institution (defined in FAR 31.701) which does not meet any of the criteria in codes D, F, U, or V, and the place of performance is within the United States and outlying areas.

* * * * *

(ii) * * *

(B) *Code B—SDB Not Solicited.* Enter code B when there was a known SDB source, but it was not solicited.

* * * * *

(iv) * * *

(E) BLOCK D4E, PREMIUM PERCENT.

(1) Complete Block D4E if Block B1B is coded A and—

(i) Block D4B is coded C, D, or E; or

(ii) Block D4C is coded B or C.

Otherwise, leave blank.

* * * * *

(x) * * *

(B) * * *

(14) Code U—Over $17,000,000.

* * * * *

123. Section 253.204–71 is amended by revising the last sentence of paragraph (c)(1) and paragraph (d)(6)(i)(B) to read as follows:

§ 253.204–71 DD Form 1057, monthly contracting summary of actions $25,000 or less.

* * * * *

(c) * * *

(1) * * * For example, enter January 31, 2003, as 20030131.

* * * * *

(d) * * *

(6) * * *

(i) * * *

(B) Not-for-profit and nonprofit institutions (defined in FAR 31.701);

* * * * *

124. The note at the end of Part 253 is amended to remove the entry ''253.303–1851 Automation Equipment Requirement''.

Appendix G to Chapter 2—[Amended]

125. Appendix G to Chapter 2 is amended in Part 1, Section G–101, by revising paragraph (c) to read as follows:

G–101 Assignment and Use of a Number

* * * * *

(c) Activity address monitors are—

Army

Department of the Army, Attn: OSA(RDA)-PA, 5109 Leesburg Pike, Suite 916, Falls Church, VA 22041–3201

Navy *

Navy Accounting and Finance Center (NAFC–5511), Washington, DC 20376–5001

Marine Corps *

Headquarters, U.S. Marine Corps (Code LBP), Washington, DC 20380–0001

Air Force

SAF/AQCO, 1060 Air Force Pentagon, Washington, DC 20330–1060

Defense Logistics Agency

Defense Logistics Agency, Acquisition Operations Team, 8725 John J. Kingman Road Suit 2533, Fort Belvoir, VA 22060–6221

Other Defense Agencies

All other Defense agencies will forward requests for Appendix G maintenance to the Department of the Army, OSA(RDA)-PA.

* The Navy and Marine Corps Activity Address Monitor for assignment of two-character call/order serial numbers is: Office of the Assistant Secretary of the Navy (RD&A), Room 536, Crystal Plaza 5, Washington, DC 20350–1000.

126. Appendix G to Chapter 2 is amended in Part 1, Section G–102, by revising paragraph (b)(2) to read as follows:

G–102 Activity Address Number Data Base Maintenance

* * * * *

* * *

(2) Notify the executive editor, Defense Acquisition Regulations System, OUSD(A&T)DP(DAR), 3062 Defense Pentagon, Washington, DC 20301–3062; and

* * * * *

127. Appendix G to Chapter 2 is amended by revising Parts 2, 7, 8, 9, 10, 11, 12, 13, and 14 to read as follows:

PART 2—ARMY ACTIVITY ADDRESS NUMBERS

DAAA03, B1 Pine Bluff Arsenal, Attn: SMCPB–PO, 10020 Kabrich Circle, Pine Bluff, AR 71602–9500

DAAA08, B7 Rock Island Arsenal, Attn: SMCRI–CT, Rock Island, IL 61299–5000

DAAA09, BA U.S. Army Armament, Munitions, and Chemical Command, Attn: AMSIO–ACS, Rock Island, IL 61299–6000

DAAA22, BV Watervliet Arsenal, Attn: SIOWV–PPA, Watervliet, NY 12189–4050

DAAA31, GJ McAlester Army Ammunition Plant, Attn: SMCMC–PC, McAlester, OK 74501–5000

DAAA32, 0P Crane Army Ammunition Activity, Attn: SMCCN–CT, 300 Highway 361, Crane, IN 47522–5099

DAAB07, BG USA Communications-Electronics Command, C3I Acquisition Center, Attn: AMSEL–ACSP–BM, Fort Monmouth, NJ 07703–5008

DAAB08, 2V USA Communications-Electronics Command, C3I Acquisition Center, Attn: AMSEL–ACSB–C (Facility ADP Branch), Fort Monmouth, NJ 07703–5008

DAAB10, ZP USA CECOM C3I Acquisition Center, Attn: AMSEL–ACVF–A–AA (Stop 42), Building 160, Warrenton, VA 22186–5172

DAAB11, D0 USA CECOM C3I Acquisition Center, Attn: AMSEL–AC–VHA–HB Base OPS (Stop 42), Warrenton, VA 22186–5172

DAAB22, E7 Headquarters, 5th Signal Command, DCSLOG, Contract Management Division, Attn: ASQE–LG–C, CMR 421, APO AE 09056–3104

DAAB23, E8 1st Signal Brigade, Unit #15271, Attn: ASQK–L–CO, APO AP 96205–0044

DAAB24, Joint Visual Information Activity, Attn: SAM–OPV–V, 601 North Fairfax Street, Rm 334, Alexandria, VA 22314–2007

DAAC01, BH Anniston Army Depot, Attn: SDSAN–DOC, Anniston, AL 36201–5003

DAAC02, 9X Lexington Blue Grass Army Depot, Procurement Office, Attn: SIO–BG–PO, 2091 Kingston Highway, Richmond, KY 40475–5115

DAAC07, ZM Sierra Army Depot, Attn: SDSSI–CONT, Herlong, CA 96113–5009,
DAAC67, ZN Letterkenny Army Depot, Attn: SDSLE–P, Chambersburg, PA 17201–4152
DAAC71, ZS Tobyhanna Army Depot, Attn: SKSTO–K, Tobyhanna, PA 18466–5100
DAAC79, D7 Red River Army Depot, Attn: SDSRR–P, Texarkana, TX 75507–5000
DAAC83, BJ Corpus Christi Army Depot, Attn: SDSCC–C, Corpus Christi, TX 78419–6170
DAAC89, BK Tooele Army Depot, Attn: SDSTE–DCBO, Tooele, UT 84074–0839
DAAD01, B5 USA Yuma Proving Ground, Directorate of Contracting, Attn: ATEYP–CR, Yuma, AZ 85365–9106
DAAD05, BM USA Aberdeen Proving Ground, Support Activity, Attn: STEAP–PR/M, Ryan Building, Aberdeen Proving Ground, MD 21005–5001
DAAD07, BN USA White Sands Missile Range, Directorate of Contracting, Attn: STEWS–PR, White Sands, NM 88002–5201
DAAD09, BP USA Dugway Proving Ground, Directorate of Contracting, Attn: STEDP–DOC, Dugway, UT 84022–0538
DAAE07, BR USA Tank-Automotive Command, Attn: AMSTRA–IDAS, Warren, MI 48397–5000
DAAE20, DG Armament and Chemical Acquisition and Logistics Activity (ACALA), Attn: Acquisition Center, Rock Island, IL 61299–6000
DAAE30, 2T U.S. Army Armament RD&E Center (ARDEC), Attn: SMCAR–PCM–O, Building 9, Picatinny Arsenal, NJ 07806–5000
DAAG55, YU U.S. Army Research Office (ARO), Attn: AMXRO–PR, P.O. Box 12211, Research Triangle Park, NC 27709–2211
DAAG99, ZY USA Program Manager-SANG, Attn: AMCPM–NGA, Unit 61304, APO AE 09803–1304
DAAH01, CC USA Missile Command, Attn: AMSMI–AC, Redstone Arsenal, AL 35898–5280
DAAH03, D8 USA Missile Command, Attn: AMSMI–AC, Redstone Arsenal, AL 35898–5280
DAAJ02, D9 Aviation Applied Technology Directorate, U.S. Army Aviation and Troop Command, Attn: AMSAT–R–TC, Building 401, Fort Eustis, VA 23604–5577
DAAJ04, 0V USA Charles Melvin Price Support Center, Attn: SATAS–P, Granite City, IL 62040–1801
DAAJ05, ZF USA Aviation and Troop Command, Attn: IAS21WG, Building 404, Fort Eustis, VA 23604–5577
DAAJ09, BS USA Aviation and Troop Command, Attn: AMSAT–A–AD, 4300 Goodfellow Boulevard, St. Louis, MO 63120–1798
DAAK01, BB USA Aviation and Troop Command, Attn: AMSAT–A–AD, 4300 Goodfellow Boulevard, St. Louis, MO 63120–1798
DAAK60, C5 Soldier Systems Command Acquisition Center, Attn: SATNC–PP (Procurement Support Division), Natick, MA 01760–5011
DAAL01, 1Y U.S. Army Research Laboratory, Attn: AMSRL–OP–PR, 2800 Powder Mill Road, Adelphi, MD 20783–1145
DAAM01, ZU U.S. Army Chemical and Biological Defense Command, Attn: AMSCB–PC, Building E4455, Aberdeen Proving Ground, MD 21010–5423
DAAM02, B2 Rocky Mountain Arsenal, Attn: AMXRM–PM, Building 111, Commerce City, CO 80022–1748
DABT01, F6 U.S. Army Aviation Center, Contracting Office, Attn: ATZQ–C, Building T–00116, Fort Rucker, AL 36362–5000
DABT02, 2A U.S. Army Chemical and Military Police Centers and Fort McClellan, Attn: ATZN–DOC, Building 241–C, Transportation Road, Fort McClellan, AL 36205–5000
DABT10, 2B U.S. Army Infantry Center and Fort Benning, Attn: ATZB–KT, Building 6, Meloy Hall, Room 207, Fort Benning, GA 31905–5000
DABT11, 2C U.S. Army Signal Center and Fort Gordon, Attn: ATZH–CT, Building 2102, Fort Gordon, GA 30905–5110
DABT19, 2D U.S. Army Combined Arms Center and Fort Leavenworth, Attn: ATZL–GCC, 600 Thomas Avenue, Fort Leavenworth, KS 66027–1389
DABT23, 2E U.S. Army Armor Center and Fort Knox, Attn: ATZK–DC, Building 4022, Fort Knox, KY 40121–5000
DABT31, 2F U.S. Army Engineer Center and Fort Leonard Wood, Attn: ATZT–DOC, Building 606, P.O. Box 140, Fort Leonard Wood, MO 65473–0140
DABT39, 2H U.S. Army Field Artillery Center and fort Sill, Attn: ATZR–Q, Building 1803, P.O. Box 3501, Fort Sill, OK 73503–0501
DABT43, 2J Carlisle Barracks, Attn: ATZE–DOC–C, 314 Lovell Avenue, Suite 1, Carlisle Barracks, PA 17013–5072
DABT47, 2K U.S. Army Training Center and Fort Jackson, Attn: ATZK–DOC, Building 4340, Magruder Street, Fort Jackson, SC 29207–5491
DABT51, 2L U.S. Army Air Defense Artillery Center and Fort Bliss, Attn: ATZC–DOC, Building 2021, 1733 Pleasonton Road, Fort Bliss, TX 79916–6816
DABT57, 2N Directorate of Peninsula Contracting, Attn: ATZF–DPC, Building 2746, Harrison Loop, Fort Eustis, VA 23604–5293
DABT58, 2P Fort Monroe, Attn: ATZG–C #62, Building T–195, Fort Monroe, VA 23651–6000
DABT59, 2Q U.S. Army Combined Arms Support Command and Fort Lee, Attn: ATZM–DOC, 1830 Quartermaster Road, Fort Lee, VA 23801–1606
DABT60, 1L TRADOC Contracting Agency, Attn: ATCA, Building 2798, Fort Eustis, VA 23604–5538
DABT61, BF The Judge Advocate General's School, USA, University of Virginia, Attn: JAGS–SSL–B, 600 Massie Road, Charlottesville, VA 22903–1781
DABT63, BL U.S. Army Intelligence Center, Attn: ATZS–DK, P.O. Box 12748, Fort Huachuca, AZ 85670–2748
DABT65, B0 Mission Contracting Activity at Fort Leavenworth, Attn: ATOB–AL, Room 303, 600 Thomas Avenue, Fort Leavenworth, KS 6602–1389
DABT67, 0Q Commander DLIFLC & POM, Attn: ATZP–DOC, Building 276, Plummer Street, Presidio of Monterey, CA 93944–5006
DACA01, DACW01, CK USA Engineer District, Mobile, Attn: CESAM–CT, P.O. Box 2288, Mobile, AL 36628–0001
DACA03, DACW03, CL USA Engineer District, Little Rock, Attn: DESWL–CT, P.O. Box 867, Little Rock, AR 72203–0867
DACA05, DACW05, CM USA Engineer District, Sacramento, Attn: DESPK–CT, 1325 J Street, Sacramento, CA 95814–2922
DACA07, DACW07, CP USA Engineer District, San Francisco, Attn: CESPN–CT, 333 Market Street, San Francisco, CA 94105–2197
DACA09, DACW09, CQ USA Engineer District, Los Angeles, Attn: CESPL–CT, P.O. Box 2711, Los Angeles, CA 90053–2325
DACA17, DACW17, CS USA Engineer District, Jacksonville, Attn: CESAJ–CT, P.O. Box 4970, Jacksonville, FL 32232–0019
DACA21, DACW21, CV USA Engineer District, Savannah, Attn: CESAS–CT, P.O. Box 889, Savannah, GA 31402–0889
DACA23, DACW23, CX USA Engineer District, Chicago, Attn: CENCR–CT, 111 North Canal Street, Chicago, IL 60606–7206
DACA25, DACW25, CD USA Engineer District, Rock Island, Clock Tower Building, Attn: CENCR–CT, P.O. Box 2004, Rock Island, IL 61202–2004
DACA27, DACW27, CY USA Engineer District, Louisville, Attn: CEORL–CT, P.O. Box 59, Louisville, KY 40201–0059
DACA29, DACW29, CZ USA Engineer District, New Orleans, Attn: CELMN–CT, P.O. Box 60267, New Orleans, LA 70160–0267
DACA31, DACW31, DA USA Engineer District, Baltimore, Contracting Division, Attn: CENAB–CT, P.O. Box 1715, Baltimore, MD 21203–1715
DACA33, DACW33, DB USA Engineer District, New England, Attn: CENED–CT, 424 Trapelo Road, Waltham, MA 02254–9149
DACA35, DACW35, DC USA Engineer District, Detroit, Attn: CENCE–CT, P.O. Box 1027, Detroit, MI 48231–1027
DACA37, DACW37, DD USA Engineer District, St, Paul, Attn: CENCS–CT, 190 Fifth Street East, St. Paul, MN 55101–1638
DACA38, DACW38, DE USA Engineer District, Vicksburg, Attn: CELMK–CT, 3515 I–20 Frontage Road, Vicksburg, MS 39180–5191
DACA39, DACW39, DF USA Engineer, Waterways Experiment Station, Attn: CEWES–CT–Z (Contracting Division), 3909 Halls Ferry Road, Vicksburg, MS 39180–6199
DACA41, DACW41, DH USA Engineer District, Kansas City, Attn: CEMRK–CT, 601 East 12th Street, Kansas City, MO 64106–2896
DACA43, DACW43, DJ USA Engineer District, St. Louis, Attn: CELMS–CT, 1222 Spruce Street, St. Louis, MO 63103–2833
DACA45, DACW45, DK USA Engineer District, Omaha, Attn: CEMRO–CT, 215, North 17th Street, Omaha, NE 68102–4978
DACA47, DACW47, DM USA Engineer District, Albuquerque, Attn: CESWA–CT,

P.O. Box 1580, Albuquerque, NM 87103–1580
DACA49, DACW49, DN USA Engineer District, Buffalo, Attn: CENCB–CT, (Contracting Division), 1776 Niagara Street, Buffalo, NY 14207–3199
DACA51, DACW51, CE USA Engineer District, New York, Contracting Division, Attn: CENAN–CT, 26 Federal Plaza, New York, NY 10028–0090
DACA54, DACW54, DQ USA Engineer District, Wilmington, Attn: CESAW–CT, P.O. Box 1890, Wilmington, NC 28402–1890
DACA56, DACW56, DS USA Engineer District, Tulsa, Attn: CESWT–CT, P.O. Box 61, Tulsa, OK 74121–0061
DACA57, DACW57, DT USA Engineer District, Portland, Attn: CENPP–CT, P.O. Box 2946, Portland, OR 97208–2946
DACA59, DACW59, DV USA Engineer District, Pittsburgh, Attn: CEORP–CT–SADBUS, 1000 Liberty Avenue, Pittsburgh, PA 15222–4186
DACA60, DACW60, DW USA Engineer District, Charleston, Attn: CESAC–CT, P.O. Box 919, Charleston, SC 29402–0919
DACA61, DACW61, CF USA Engineer District, Philadelphia, Attn: CENAP–CT, Contracting Division, 110 Penn Square East, Wanamaker Building, Philadelphia, PA 19107–3390
DACA62, DACW62, DX USA Engineer District, Nashville, Attn: CEORN–CT, P.O. Box 1070, Nashville, TN 37202–1070
DACA63, DACW63, DY USA Engineer Distrct, Fort Worth, Attn: CESWF–CT, P.O. Box 17300, Fort Worth, TX 76102–0300, Fort Worth, TX 76102–0300
DACA64, DACW64, DZ USA Engineer District, Galveston, Attn: CESWG–CT, P.O. Box 1229, Galveston, TX 77553
DACA65, DACW65, EA USA Engineer District, Norfolk, Contracting Division, Attn: CENAO–CT, 803 Front Street, Norfolk, VA 23510–1096
DACA66, DACW66, EB USA Engineer District, Memphis, Attn: CEIMM–CT, B–202 Clifford Davis Federal Building, Memphis, TN 38103–1894
DACA67, DACW67, EC USA Engineer District, Seattle, Attn: CENPS–CT, P.O. Box C–3755, Seattle, WA 98124–2255
DACA68, DACW68, YW USA Engineer District, Walla Walla, Attn: CENPW–CT, Building 602, City-County Airport, Walla Walla, WA 99362–9265
DACA69, DACW69, CB USA Engineer District, Huntington, Attn: CEORH–CT, 502 8th Street, Huntington, WV 25701–2070
DACA72, DACW72, ZA USA Humphreys Engineer Center, Support Activity, Attn: CEHEC–CT, Kingman Building, Fort Belvoir, VA 22060–5580
DACA75, DACW75, ZC USA Engineer Ordnance Program Division, Attn: CETAD–OP–C, APO AE 09803–1303
DACA76, DACW76, ZD USA Topographic Engineering Center, Attn: CETEC–CT, 7701 Telegraph Road, Alexandria, VA 22315–3864
DACA78, DACW78, 9V USA Engineer Transatlantic Division, Attn: CETAD–CT–P, 201 Prince Frederick Drive, Winchester, VA 22602
DACA79, DACW79, 2R USA Engineer District Japan, Attn: CEPOJ–CT, Unit 45010, APO AP 96343–0061
DACA81, DACW81 USA Engineer District, Far East, APO AP 96205–0610
DACA83, DACW83, ZH USA Engineer Division—Pacific Ocean, Attn: CEPOD–CT, Building 230, Fort Shafter, HI 96858–5540
DACA85, DACW85, ZJ USA Engineer District, Alaska, P.O. Box 898, Anchorage, AK 99506–0898
DACA87, DACW87, ZW USA Engineer Division, Huntsville, Attn: CEHND–CT, P.O. Box 1600, Huntsville, AL 35807–4301
DACA88, DACW88, 0S USA Construction Engineering Research Laboratory, Attn: CECER–CT, P.O. Box 4005, Champaign, IL 61820–1305
DACA89, DACW89, 1Z USA Cold Regions Research and Engineering Laboratory, Attn: CECRL–LM–CT, 72 Lyme Road, Hanover, NH 03755–1290
DACA90, DACW90 Trans Atlantic Program Center—Europe, Attn: CETAE–CT, CMR 410, Box 7, APO AE 09096
DADA03, 8W Fitzsimons Army Medical Center, Directorate of Contracting, Attn: HSHG–DC, Building 205, 10th Street and McCloskey Avenue, Aurora, CO 80045–5001
DADA08, BT Dwight David Eisenhower Medical Center, Contracting Office, Attn: HSAA–D, Building 39706, 40 A Street, Fort Gordon, GA 30905–5650
DADA09, YY William Beaumont Army Medical Center, Attn: HSAA–W, Building 7777, Piedras Street, Room 4J18, El Paso, TX 79920–5001
DADA10, ZQ U.S. Army Medical Command, Central Contracting Office, Attn: HSAA–C, Building 2015, 1105 Beebe Loop, Fort Sam Houston, TX 78234–6000
DADA13, 0W Madigan Army Medical Center, Contracting Office, Attn: HSAA–M, Building 9933–A, Johnson Street, Tacoma, WA 98431–5100
DADA15, 0X Walter Reed Army Medical Center, Directorate of Contracting, Attn: HSHL–ZC, Building T–20, 1st Floor, Washington, DC 20307–5001
DADA16, 0Y Tripler Army Medical Center, Contracting Office, Attn: HSAA–T, Building 160, Krukowski Street, Tripler AMC, HI 96859–5000
DADA18, 1R Directorate of Contracting, Attn: AFZG–DOC, Building 4201, Fort Sam Houston, TX 78234–5000
DADA19 EURO–RMC (Regional Medical Command), Landstuhl, Germany, AP AE 09180–3460
DADW30, 0F US Army Military District of Washington, Attn: ANPC, 103 3rd Avenue, Fort Lesley J. McNair, Washington, DC 20319–5050
DADW35, 2M USA Garrison Fort Belvoir, Directorate of Contracting, Attn: ANFB–OC, 9410 Jackson Loop, Suite 101, Fort Belvoir, VA 22060–5134
DADW36, 1J Fort Meade Directorate of Contracting, Attn: ANME–OC, Building 2234, Fort George G. Meade, MD 20755–5081
DADW38, 2S Fort Ritchie Directorate of Contracting, 601 Lakeside Drive, Fort Ritchie, MD 21719–4020
DADW49, 0M National Defense University, Contracting Office, Attn: NDU–LG–P, Building 62, Fort Lesley J. McNair, Washington, DC 20319–5066
DAHA01, 9B USPFO for Alabama, P.O. Box 3715, Montgomery, AL 36193–4801
DAHA02, 0G USPFO for Arizona, 5644 East Moreland Street, Phoenix, AZ 85008–3442
DAHA03, 9D USPFO for Arkansas, Camp Robinson, North Little Rock, AR 72118–2200
DAHA04, 9N USPFO for California, P.O. Box 8104, San Luis Obispo, CA 93403–8104
DAHA05, Z0 USPFO for Colorado, 660 South Aspen Street, Bldg 1005, Mail Stop 53, Aurora, CO 80011–9511
DAHA06, 1S USPFO for Connecticut, State Armory, Attn: Contracting Officer, 360 Broad Street, Hartford, CT 06105–3795
DAHA07, 9A USPFO for Delaware, Grier Building, 1161 River Road, New Castle, DE 19720–5199
DAHA08, 2W USPFO for Florida, P.O. Box 1008, St. Augustine, FL 32085–1008
DAHA09, C0 USPFO for Georgia, P.O. Box 17882, Atlanta, GA 30316–0882
DAHA10, CU USPFO for Idaho, 4040 W. Guard Street, Boise, ID 83705–5004
DAHA11, 9E USPFO for Illinois, 1301 North McArthur Boulevard, Springfield, IL 62702–2399
DAHA12, 4E USPFO for Indiana, 2002 S. Holt Road, Indianapolis, IN 46241–4839
DAHA13, 9L USPFO for Iowa, Camp Dodge, 7700 NW Beaver Drive, Johnston, IA 50131–1902
DAHA14, 4Z USPFO for Kansas, 2737 South Kansas Avenue, Topeka, KS 66611–1170
DAHA15, 6P USPFO for Kentucky, Boone National Guard Center, Frankfort, KY 40601–6192
DAHA16, 0A USPFO for Louisiana, Jackson Barracks, New Orleans, LA 70146–0330
DAHA17, 0B USPFO for Maine, Camp Keys, Augusta, ME 04333–0032
DAHA18, 0C USPFO for Maryland, State Mil Reservation, 301 Old Bay Lane, Havre de Grace, MD 21078–4094
DAHA19, 0D USPFO for Massachusetts, Attn: Contracting Officer, 143 Speen Street, Natick, MA 01760–2599
DAHA20, 9F USPFO for Michigan, 3111 West St. Joseph Street, Lansing, MI 48913–5102
DAHA21, 9K USPFO for Minnesota, Camp Ripley, P.O. Box 288, Little Falls, MN 56345–0288
DAHA22, CW USPFO for Mississippi, 144 Military Drive, Jackson, MS 39208–8880
DAHA23, 9H USPFO for Missouri, 1715 Industrial Avenue, Jefferson City, MO 65101–1468
DAHA24, 9P USPFO for Montana, P.O. Box 1157, Helena, MT 59624–1157
DAHA25 USPFO for Nebraska, 1234 Military Road, Lincoln, NE 68508–1092
DAHA26 USPFO for Nevada, 2601 South Carson Street, Carson City, NV 89701–5596
DAHA27 USPFO for New Hampshire, P.O. Box 2003, Concord, NH 03301–2003
DAHA28, ZK USPFO for New Jersey, 131 Eggert Crossing Road, Lawrenceville, NJ 08648–2805
DAHA29 USPFO for New Mexico, Attn: Contracting Officer, P.O. Box 4277, Santa Fe, NM 87502–4277

DAHA30, D2 USPFO for New York, 330 Old Niskayuna Road, Latham, NY 12110–2224
DAHA31, D3 USPFO for North Carolina, 4201 Reedy Creek Road, Raleigh, NC 27607–6412
DAHA32, D6 USPFO for North Dakota, P.O. Box 5511, Bismarck, ND 58502–5511
DAHA33, 9M USPFO for Ohio, 2811 West Granville Road, Columbus, OH 43235–2712
DAHA34, 9J USPFO for Oklahoma, 3501 Military Circle, N.E., Oklahoma City, OK 73111–4398
DAHA35, 1X USPFO for Oregon, Attn: USPFO–P, P.O. Box 14840, Salem, OR 97309–5008
DAHA36, DL USPFO for Pennsylvania, Department of Military Affairs, ATT: Contracting Officer, Annville, PA 17003–5003
DAHA37 USPFO for Rhode Island, 330 Camp Street, Providence, RI 02906–1954
DAHA38, DU USPFO for South Carolina, 9 National Guard Road, Columbia, SC 29201–4766
DAHA39, VQ USPFO for South Dakota, Camp Rapid, Rapid City, SD 57702–8186
DAHA40, YX USPFO for Tennessee, Powell Avenue, P.O. Box 40748, Nashville, TN 37204–0748
DAHA41, 9C USPFO for Texas, Attn: Contracting Officer, P.O. Box 5218, Austin, TX 78563–5218
DAHA42 USPFO for Utah, P.O. Box 2000, Draper, UT 84020–2000
DAHA43 USPFO for Vermont, Camp Johnson, Building #3, P.O. Box 2000, Colchester, VT 05446–3004
DAHA44, ZR USPFO for Virginia, 501 East Franklin Street, Richmond, VA 23219–2317
DAHA45, ZX USPFO for Washington, Camp Murray, Tacoma, WA 98430–5000
DAHA46 USPFO for West Virginia, 50 Armory Road, Buckhannon, WV 26201–2396
DAHA47, 9G USPFO for Wisconsin, 8 Madison Blvd., Camp Douglas, WI 54618–5002
DAHA48 USPFO for Wyoming, P.O. Box 1709, Cheyenne, WY 82003–1709
DAHA49 USPFO for the District of Columbia, Anacostia Naval Air Station, Building 350, Washington, DC 203315–0001
DAHA50 USPFO for Hawaii, 4208 Diamond Head Road, Honolulu, HI 96816–4495
DAHA51, 2Z USPFO for Alaska, Attn: P&C Division, Camp Denali, P.O. Box B, Fort Richardson, AK 99505–2600
DAHA70 USPFO for Puerto Rico, P.O. Box 3786, San Juan, PR 00904–3786
DAHA72 USPFO for Virgin Islands, #9 Estate Diamond, Frederiksted, St. Croix, VI 00840
DAHA74 USPFO for Guam, 622 E. Harmon Industrial Park Road, Tamuning, GU 96911–4422
DAHA90, 2Y National Guard Bureau, Contracting Support, 5109 Leesburg Pike, Suite 401–B, Falls Church, VA 22041–3201
DAHC76, 8U U.S. Army Garrison, Alaska, Directorate of Contracting, Attn: APVR–DOC, P.O. Box 5–525, Fort Richardson, AK 99505–0525
DAHC77, CJ U.S. Army Garrison, Hawaii, Directorate of Contracting, Attn: APVG–GK, Building 520, Pierce Street, Fort Shafter, HI 96858–5025
DAJA01, 9Q RCO Vicenza, Attn: AEUCC–I, Unit 31401, Box 33, APO AE 09630
DAJA02, G5 RCO Seckenheim, Attn: AEUCC–S, Unit 29331, APO AE 09266
DAJA16, 8X RCO Grafenwoehr, Attn: AEUCC–G, Unit 28130, APO AE 09114
DAJA22, G6 Wiesbaden Regional Contracting Center, Attn: AEUCC–C, CMR 410, Box 741, APO AE 09096
DAJA61, 9Z RCO Benelux, Attn: AEUCC–B, PSC 79, Box 003, APO AE 09724
DAJA77 HQ, USACCE (Contracting Cell, Deployed), Attn: AEUCC–O, Unit 29331, APO AE 09266
DAJA89, F0 RCO Wuerzburg, Attn: AEUCC–W, Unit 26622, APO AE 09244
DAJA90, 0T RCO Bad Kreuznach, Attn: AEUCC–BK, Unit 24307, APO AE 09252
DAJB03, F4 HQ, EUSA, Asst Cofs Acquisition Mgt, Attn: EAAQ (PARC), Unit 15236, APO AP 96205–0009
DAJN21, 1V U.S. Army Garrison, Panama, Directorate of Contracting, Attn: SOCO–CO, Unit 7116, APO AA 34002–5000
DAKF04, ZE Directorate of Contracting, Attn: AFZJ–DC, P.O. Box 10039, Fort Irwin, CA 92310–0039
DAKF06, 1C Directorate of Contracting, Attn: AFZC–DOC, Building 6222, Fort Carson, CO 80913–5022
DAKF10, 1D Directorate of Contracting, Attn: AFZP–DC, Building 622, 2nd Floor, Fort Stewart, GA 31314–5189
DAKF11, 1E Army Atlanta Contracting Center, Attn: AFLG–PRC, Building 130, Anderson Way, Fort McPherson, GA 30330–6000
DAKF19, 1G Directorate of Contracting, Attn: AFZN–DOC, P.O. Box 2248, Fort Riley, KS 66442–0248
DAKF23, 1H Directorate of Contracting, Attn: AFZB–DOC, Building 2174, 13½ and Indiana Streets, Fort Campbell, KY 42223–1100
DAKF24, G1 Directorate of Contracting, Attn: AFZX–DOC, P.O. Drawer 3918, Fort Polk, LA 71459–5000
DAKF29, 2G Directorate of Contracting, Attn: AFZT–DOC, Building 5418, 3rd Floor, South Scott Plaza, Fort Dix, NJ 08640–6150
DAKF31, 1K Directorate of Contracting, Attn: AFRC–FMD–DOC, Building 227, Fort Devens, MA 01433–5340
DAKF36, 1M Directorate of Contracting, Attn: AFZS–DOC, 45 West Street, Fort Drum, NY 13602–5220
DAKF40, 1N Directorate of Contracting, Attn: AFZA–DC, Drawer 70120, Fort Bragg, NC 28307–0120
DAKF48, 1Q Headquarters, III Corps and Fort Hood, Directorate of Contracting, Attn: AFZF–DOC, Building 1001 (Room W103), Fort Hood, TX 76544– 5059
DAFK57, 1T Directorate of Contracting, Attn: AFZH–DOC, Building 9504, Box 339500, Fort Lewis, WA 98433–9500
DAKF61, 1U Directorate of Contracting, Attn: AFRC–FM–DC, Building 2103, 8th Avenue, Fort McCoy, WI 54656–5000
DAKF63, 9R Directorate of Contracting, Los Alamitos, 1120 Lexington Drive, Los Alamitos, CA 90720–5002
DAMA01, G8 Superintendent, USA Military Academy, Attn: MADC, Building 667A, West Point, NY 10996–1594
DAMD17, B3 U.S. Army Medical Research Acquisition Activity, Attn: MCMR–AAA, Fort Detrick, Frederick, MD 21702–5014
DAMT01, 0E HQ MTMC, Acquisition Division, Attn: MTAQ–A, 5611 Columbia Pike, Falls Church, VA 22041–5050
DAMT02, G3 MTMC Eastern Area, Contracting Division, Attn: MTELO–C, Building 42/7, Bayonne, NJ 07002–5302
DAMT03, G4 MTMC, Western Area, Commander, Attn: MTWLO–CO, Building 1, Alaska Street, Room 2336, Oakland, CA 94626–5000
DASA01, G0 USA Central Command-Saudi Arabia, Dhahran, Saudi Arabia, Attn: ARCENT–SA–CN, APO AE 09808
DASA02 USA Central Command-Kuwait, Camp Doha, Kuwait, Attn: ARCENT–KU–KO, APO AE 09889–9900
DASA03 ARCENT Contracting Division, Attn: ARFD–PARC, Building 363, Fort McPherson, GA 30330–7000
DASA04 USA Central Command-Qatar, Doha, Qatar, Attn: ARCENT–QA–DOC, APO AE 09898
DASC01, YJ USAINSCOM Support Battalion (Prov), Directorate of Contracting Operations, Attn: IASB–DCO, 8825 Beulah Street, Fort Belvoir, VA 22060–5246
DASC02, 1B National Ground Intelligence Center (NGIC), Attn: IANG–LOG, 220 Seventh Street NE, Charlottesville, VA 22902–5396
DASG60, CB USA Space and Strategic Defense Command, Deputy Commander, Attn: CSSD–CM–AC, P.O. Box 1500, Huntsville, AL 35807–3801
DASG62, CH U.S. Army Space Command, Attn: MOSC–SC, 1670 North Newport Road, Suite 211, Colorado Springs, CO 80916–2749
DASW01, F7 Defense Supply Service—Washington, Attn: Policy and Compliance, 5200 Army Pentagon, Room 1E260, Washington, DC 20310–5200
DATM01, 0R U.S. Army OPTEC Contracting Activity, Attn: CSTE–ZOC, P.O. Box Y, Fort Hood, TX 76544–5065

* * * * *

PART 7—DEFENSE INFORMATION SYSTEMS AGENCY ACTIVITY ADDRESS NUMBERS

DCA100, VC DITCO–NCR, Attn: DTN, 701 South Courthouse Road, Arlington, VA 22204–2109 (ZD10)
DCA200, VP Defense Information Technology Contracting Organization, Contracting Directorate, Attn: DTS, 2300 East Drive, Scott AFB, IL 62225–5406 (ZD11)
DCA300, 1F DITCO-Pacific, Attn: DTP, Building 487, Box 300, Vincennes Avenue and North Road, Pearl Harbor, HI 96860–5300 (ZD13)
DCA400, WK DITCO-Europe, Attn: DTE, Unit 4235, Box 375, APO AE 09136–5375 (ZD14)
DCA500, KH DITCO-Alaska, Attn: DTA, 9864 L Street, Suite 201, Elmendorf AFB, AK 99506–2615 (ZD15)

PART 8—NATIONAL IMAGERY AND MAPPING AGENCY ACTIVITY ADDRESS NUMBERS

NMA100, BQ National Imagery and Mapping Agency, Contracts in Support of Systems and Technology, Attn: PCS/D–88, 4600 Sangamore Road, Bethesda, MD 20816–5003 (ZM10)
NMA201, Y2 National Imagery and Mapping Agency, Micro Purchasing Operations (East), Attn: PCM–E/D–6, 4600 Sangamore Road, Bethesda, MD 20816–5003 (ZM21)
NMA202, Z2 National Imagery and Mapping Agency, Micro Purchasing Operations (West), Attn: PCM–W/L–13, 3200 South Second Street, St. Louis, MO 63118–3399 (ZM22)
NMA301, V2 National Imagery and Mapping Agency, Contracts in Support of Operations (East), Attn: PCO–E/D–5, 4600 Sangamore Road, Bethesda, MD 20816–5003 (ZM31)
NMA302, YQ National Imagery and Mapping Agency, Contracts in Support of Operations (West), Attn: PCO–W/L–13, 3200 South Second Street, St. Louis, MO 63118–3399 (ZM32)
NMA401, 8Y National Imagery and Mapping Agency, Contracts in Support of Corp Affairs (East), Attn: PCC–E/D–6, 4600 Sangamore Road, Bethesda, MD 20816–5003 (ZM41)
NMA402, YZ National Imagery and Mapping Agency, Contracts in Support of Corp Affairs (West), Attn: PCC–W/L–13, 3200 South Second Street, St. Louis, MO 63118–3399 (ZM42)

PART 9—DEFENSE SPECIAL WEAPONS AGENCY ACTIVITY ADDRESS NUMBERS

DSWA01, 8Z Defense Special Weapons Agency, Headquarters, Attn: Acquisition Management Directorate, 6801 Telegraph Road, Alexandria, VA 22310–3398 (ZS01)
DSWA02, 0N Defense Special Weapons Agency, Field Command, Attn: Acquisition Management Office (FCA), 1680 Texas Street, S.E., Kirtland AFB, NM 87115–5669 (ZS02)

PART 10—MISCELLANEOUS DEFENSE ACTIVITIES ACTIVITY ADDRESS NUMBERS

MDA112, E0 T–ASA, Sacramento Contracting Office, 3116 Peacekeeper Way, McClellan AFB, CA 95652–1068 (ZP12)
MDA113, VE T–ASA, March Contracting Office, 1363 Z Street, Building 2730, March AFB, GA 92518–2717 (ZP13)
MDA114, VV T–ASA, Alexandria Contracting Office, 601 North Fairfax Drive, Suite 311, Alexandria, VA 22314–2007 (ZP14)
MDA210, SF Defense Finance and Accounting Service Headquarters, 1931 Jefferson Davis Highway, Arlington, VA 22240–5291 (ZF21)
MDA220 Defense Finance and Accounting Service, Integrated Contracting Office, 1931 Jefferson Davis Highway, Arlington, VA 22240–5291 (ZF22)
MDA230, SU Defense Finance and Accounting Service, Cleveland Center, 1240 East 9th Street, Cleveland, OH 44199–2055 (ZF23)
MDA240 Defense Finance and Accounting Service, Columbus Center, 4280 East 5th Avenue, Columbus, OH 43219–1879 (ZF24)
MDA250, SV Defense Finance and Accounting Service, Denver Center, 6760 East Irvington Place, Denver, CO 80279–8000 (ZF25)
MDA260, ST Defense Finance and Accounting Service, Indianapolis Center, 8899 East 56th Street, Building #1, Indianapolis, IN 46249–0100 (ZF26)
MDA270 Defense Finance and Accounting Service, Financial Systems Organization, 8899 East 56th Street, Indianapolis, IN 46249–0100 (ZF27)
MDA280 SY Defense Finance and Accounting Service, Kansas City Center, 1500 East 95th Street, Kansas City, MO 64131 (ZF28)
MDA410, DR DoDDS, Attn: Procurement Division, 4040 North Fairfax Drive, 8th Floor, Arlington, VA 22203–1635 (ZK10)
MDA412 9Y DoDDs, European Procurement Office, Unit 29649, Box 4000, APO, AE 09096 (ZK12)
MDA414, Y4 DoD Education Activity, Education Supplies Procurement Office, Attn: DESPO, 8000 Jefferson Davis Highway, Richmond, VA 23297–5320 (ZK14)
MDA416, YT DoD Education Activity, Pacific Procurement Office, PSC 556, Box 796, FPO, AP 96386–0796 (ZK16)
MDA904 Maryland Procurement Office, Attn: N363, 9800 Savage Road, Fort George G. Meade, MD 20755–6000 (ZD04)
MDA905 B4 Uniformed Services University of the Health Sciences, Attn: Directorate of Contracting, 4301 Jones Bridge Road, Bethesda, MD 20814–4799 (ZD05)
MDA906 Office of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), Attn: Contract Management Division, Building 222, East Harlow Avenue, FAMC, Aurora, CO 80045–6900 (ZD06)
MDA907 Purchasing and Contracting Office, Menwith Hill Station, APO AE 09210 (ZD07)
MDA908, 2X Virginia Contracting Activity, Attn: DAP P.O. Box 46563, Washington, DC 20050–6563 (ZD50)
MDA928 Armed Forces Radiobiology Research Institute, Attn: Acquisition Management Division, 8901 Wisconsin Avenue, Bethesda MD 20889–5145 (ZD28)
MDA946 Washington Headquarters Services, Real Estate and Facilities Directorate, 1155 Defense Pentagon, Room 3C345, Washington, DC 20301–1155 (ZD46)
MDA972 WS DARPA, Contract Management Office, 3701 North Fairfax Drive, Arlington, VA 22203 (ZD72)

PART 11—ON-SITE INSPECTION AGENCY ACTIVITY ADDRESS NUMBER

OSIA01 On-Site Inspection Agency, Acquisition Management, 201 W Service Road, Dulles Int Airport, PO Box 17498, Washington, DC 20041–0498 (ZD74)

PART 12—BALLISTIC MISSILE DEFENSE ORGANIZATION ACTIVITY ADDRESS NUMBER

HQ0006, SS Ballistic Missile Defense Organization, Attn: BMDO/DCTP, 7100 Defense Pentagon, Room 1E1019, Washington, DC 20301–7100 (ZD60)

PART 13—DEFENSE COMMISSARY AGENCY ACTIVITY ADDRESS NUMBERS

DECA01, ZG Defense Commissary Agency, East Service Center, Attn: DeCA/ES–AM, Building P–11200, 38th Street and E Avenue, Fort Lee, VA 23801–6390 (ZD81)
DECA02, ZT Defense Commissary Agency, West Service Center, Attn: DeCA/WS–AM, Building 3184, Kelly AFB, TX 78241–6290 (ZD82)
DECA03, 0H Defense Commissary Agency, North East Region, Attn: DeCA/NE–AM, Building 2257, Fort George G. Meade, MD 20755–5520 (ZD83)
DECA04, BE Defense Commissary Agency, Central Region, Attn: DeCA/CE–AM, 1140 Gator Boulevard, Norfolk, VA 23521–2228 (ZD84)
DECA05, 0L Defense Commissary Agency, Southern Region, Attn: DeCA/SO–AM, Building 835, Maxwell AFB, AL 36112–6722 (ZD85)
DECA06, 0J Defense Commissary Agency, Midwest Region, Attn: DeCA/MW–AM, Building 3030, Kelly AFB, TX 78241–6290 (ZD86)
DECA07, 0Z Defense Commissary Agency, South West Region, Attn: DeCA/SW–AM, Building 329, Marine Corps Air Station El Toro, Santa Ana, CA 92709–5002 (ZD87)
DECA08, 0K Defense Commissary Agency, Northwest Region, Attn: DeCA/NW–AM, Building 9630, Fort Lewis, WA 98433–7300 (ZD88)

PART 14—UNITED STATES SPECIAL OPERATIONS COMMAND ACTIVITY ADDRESS NUMBERS

USZA22, 2U USSOCOM Headquarters, Directorate of Procurement, 7701 Tampa Point Boulevard, MacDill AFB, FL 33621–5323 (ZA22)
USZA24 USSCOCOM, 24th STS, Attn: MS–Z, Pope AFB, NC 28308–5000 (ZA24)
USZA90 USSOCOM, JSOC, P.O. Box 70329, Fort Bragg, NC 28307–5000 (ZA90)
USZA91 USSOCOM, SOTF, Attn: Contracting, P.O. Box 70660, Fort Bragg, NC 28307–5000 (ZA91)
USZA92, 1F USSOCOM, USASOC, Attn: AOCO, Fort Bragg, NC 28307–5200 (ZA92)
USZA93 Special Boat Squadron One (SBR–1), 3400 Tarawa Road, San Diego, CA 92155–5176 (ZA93)
USZA94 Naval Special Warfare Group One (NSWG–1), 3632 Guadalcanal Road, San Diego, CA 92155–5583 (ZA94)
USZA95, 1A USSOCOM, TAKO, Contracting Division, Attn: AMSAT–D–TK, 4300 Goodfellow Boulevard, St. Louis, MO 63120 (AZ95)

USZA96, 1P Special Boat Squadron Two (SBR–2), NAB Little Creek, 2220 Schofield Road, Suite 100, Norfolk, VA 23521–2845 (ZA96)
USZA97 Naval Special Warfare Group Two (NSWG–2), 1430 Helicopter Road, Suite 200, Norfolk, VA 23521–2944 (ZA97)
USZA98 Naval Special Warfare Center, 2446 Trident Way, San Diego, CA 92155–5494 (ZA98)
USZA99 Naval Special Warfare Development Group (ZA99), 1636 Regulus Avenue, Virginia Beach, VA 23461–2299

Appendix I to Chapter 2—[Amended]

128. Appendix I to Chapter 2 is amended in section I–103, in the introductory text of paragraph (b), by adding the word ''a'' before the word ''mentor''.

129. Appendix I to Chapter 2 is amended in section I–106, in paragraphs (a) and (d), twice in paragraph (e), and in paragraph (j)(3), by removing the abbreviation ''OUSD(A&T)SADBU'' and inserting in its place the abbreviation ''DUSD(I&CP)SADBU''.

130. Appendix I to Chapter 2 is amended in section I–107, in paragraphs (a) and (c), by removing the abbreviation ''OUSD(A&T)SADBU'' and inserting in its place the abbreviation ''DUSD(I&CP)SADBU''; and in paragraph (e) by removing the word ''the'' before the abbreviation ''DoD''.

131. Appendix I to Chapter 2 is amended in section I–111, in paragraph (c), by removing the abbreviation ''OUSD(A&T)SADBU'' and inserting in its place the abbreviation ''DUSD(I&CP)SADBU''.

[FR Doc. 97–15821 Filed 6–23–97; 8:45 am]
BILLING CODE 5000–04–M

Federal Register

Tuesday
June 24, 1997

Part III

Department of Housing and Urban Development

24 CFR Part 572

Streamlining of Homeownership of Single Family Homes Program (HOPE 3) Regulations; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 572

[Docket No. FR–3857–F–05]

RIN 2506–AB71

Homeownership of Single Family Homes Program (HOPE 3); Streamlining Rule

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: In compliance with the President's regulatory reform initiatives, this rule further streamlines HUD's regulations for the HOPE for Homeownership of Single Family Homes Program (HOPE 3) by eliminating remaining provisions that are unnecessarily expansive in light of existing statutory requirements.

EFFECTIVE DATE: July 24, 1997.

FOR FURTHER INFORMATION CONTACT: Gordon McKay, Director, Office of Affordable Housing Programs, Room 7168, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–2685 (this is not a toll-free number). For hearing-and speech-impaired persons, this number may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton issued a memorandum to all Federal departments and agencies regarding regulatory reinvention. In response to this memorandum, the Department of Housing and Urban Development conducted a page-by-page review of its regulations to determine which can be eliminated, consolidated, or otherwise improved. HUD determined that the regulations for the HOPE for Homeownership of Single Family Homes program (HOPE 3) could be improved and streamlined. On September 16, 1996 (61 FR 48796), HUD published in the **Federal Register** a final rule that completed a previous rulemaking process on the HOPE 3 program regulations and made streamlining changes to those regulations for which prior notice and comment were not required.

On October 10, 1996 (61 FR 53276), HUD published a proposed rule containing further streamlining amendments for which prior notice and comment were required. In that rule, HUD noted that because of recent statutory amendments, direct homeownership assistance is now a permanent eligible activity under both the HOME Investment Partnerships and Community Development Block Grant programs. As a result, families that might have been assisted by the HOPE 3 program may instead be eligible for homeownership assistance through those programs. The availability of other assistance makes future HOPE 3 appropriations and competitions less likely. Therefore, the HOPE 3 regulations on applications for funding include outdated references and are unnecessarily lengthy and prescriptive. The October 10, 1996 proposed rule sought to preserve those regulations only to the extent necessary to ensure HUD's ability to conduct future competitions in the event funds become available to make awards under the program.

Specifically, the October 10, 1996 rule proposed to remove most of the requirements relating to competitive distributions of HOPE 3 funds. In making such distributions, HUD is required to comply with section 102 of the Department of Housing and Urban Development Reform Act (HUD Reform Act) (42 U.S.C. 3545). The requirements of section 102 are binding, whether HUD maintains implementing provisions in regulatory text in the CFR or in separate published notices announcing competitions for funding. Therefore, it is unnecessary to maintain all of those requirements in the HOPE 3 regulations.

The October 10, 1996 rule also proposed to remove lengthy provisions explaining the Cash and Management Information System that is used to disburse HOPE 3 grant funds (see § 572.230). This information is contained in other guidance material and does not need to be codified.

The deadline for submitting public comments on the October 10, 1996 proposed rule was December 9, 1996. HUD has not received any comments on the proposed rule. Therefore, today's rule adopts the provisions of the proposed rule as final, eliminating approximately 5 pages of unnecessary regulations from the Code of Federal Regulations (CFR).

Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely recognizes administrative changes in HUD's structure and streamlines regulations by removing unnecessary provisions. The rule will have no adverse or disproportionate economic impact on small businesses.

Environmental Impact

In accordance with 24 CFR 50.19(c)(1), published in the **Federal Register** on September 27, 1996 (61 FR 50914), this final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing (other than tenant-based rental assistance), rehabilitation, alteration, demolition, or new construction. This rule merely streamlines the HOPE 3 regulations by removing unnecessary provisions. Therefore, this final rule is categorically excluded from the requirements of the National Environmental Policy Act and the related Federal authorities in 24 CFR 50.4.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule 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. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments. As a result, the rule is not subject to review under the Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and the private sector. This rule does not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 14.240.

List of Subjects in 24 CFR Part 572

Condominiums, Cooperatives, Fair housing, Government property, Grant

programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

Accordingly, for the reasons set out in the preamble, part 572 of title 24 of the Code of Federal Regulations is amended as follows:

PART 572—HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES PROGRAM (HOPE 3)

1. The authority citation for part 572 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12891.

2. Section 572.5 is amended by revising the definition of *Program income* to read as follows:

§ 572.5 Definitions.

* * * * *

Program income means income earned from the program as described in parts 84 and 85 of this title, as applicable, except that program income does not include proceeds from the sale and resale of properties. Such sale and resale proceeds, and interest earned by the recipient or its designee on those proceeds, are governed by § 572.135 (a) through (c).

* * * * *

§ 572.100 [Amended]

3. Section 572.100 is amended by removing the second sentence of paragraph (a)(2).

4. Section 572.135 is amended by revising paragraph (d) to read as follows:

§ 572.135 Use of proceeds from sales to eligible families, resale proceeds, and program income.

* * * * *

(d) *Program income.* Any program income, as defined in § 572.5, received by the recipient may be added to the funds committed to the grant agreement by HUD and the recipient, in accordance with the requirements of parts 84 and 85 of this title, as applicable.

5. Section 572.210 is revised to read as follows:

§ 572.210 Implementation grants.

(a) *General authority.* Any implementation grants for the purpose of carrying out homeownership programs approved under this part will be awarded using a selection process and selection criteria to be published in a NOFA.

(b) *Deadline for completion.* A recipient must spend all implementation grant amounts within 4 years from the effective date of the grant agreement. The appropriate HUD field office may approve a request to extend the deadline when it determines that an extension is warranted. A previously approved grant amount may not be amended to increase the grant amount.

(c) *Program closeout.* Recipients will comply with closeout procedures as issued by HUD.

6. Section 572.230 is revised to read as follows:

§ 572.230 Cash and Management Information (C/MI) System.

Disbursement of HOPE 3 grant funds is managed through HUD's Cash and Management Information (C/MI) System for the HOPE 3 program. Funds that may be disbursed through the C/MI System include funds awarded to the recipient and obligated through the grant approval letter issued by HUD. HOPE 3 funds are drawn down by the recipient or its authorized designee from a United States Treasury account for the program, using the Treasury Automated Clearinghouse (ACH) System. Any drawdown of HOPE 3 funds from the United States Treasury account is conditioned upon the submission of satisfactory information about the program and compliance with other procedures specified by HUD in HUD's forms and issuances concerning the C/MI System.

7. Section 572.300 is revised to read as follows:

§ 572.300 Notices of funding availability (NOFAs); grant applications.

When funds are made available for planning grants or implementation grants under this part, HUD will publish a NOFA in the **Federal Register**, in accordance with the requirements of part 4 of this title, and will select applications for funding on a competitive basis as provided in the applicable NOFA.

§§ 572.305, 572.310, and 572.320 [Removed]

8. Sections 572.305, 572.310, and 572.320 are removed.

9. Section 572.420 is amended by revising the second sentence of paragraph (a)(1) to read as follows:

§ 572.420 Miscellaneous requirements.

(a) * * *

(1) * * * Part 84 of this title (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations) and OMB Circular Nos. A–122 (Cost Principles Applicable to Grants, Contract and Other Agreements with Nonprofit Institutions) and, as applicable, A–21 (Cost Principles for Educational Institutions) apply to the acceptance and use of assistance under this part by covered organizations, except where inconsistent with the provisions of Federal statutes or this part. * * *

* * * * *

Dated: June 16, 1997.

Jacquie Lawing,

General Deputy Assistant, Secretary for Community Planning and Development.

[FR Doc. 97–16507 Filed 6–23–97; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Tuesday
June 24, 1997

Part IV

Environmental Protection Agency

40 CFR Part 73

Acid Rain Program: Phase II Early Reduction Credits; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 73

[FRL–5845–3]

Acid Rain Program: Phase II Early Reduction Credits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Title IV of the Clean Air Act, as amended by Clean Air Act Amendments of 1990, (the Act) authorizes the Environmental Protection Agency (EPA or Agency) to establish the Acid Rain Program in order to reduce the adverse health and ecological impacts of acidic deposition. On March 23, 1993, the Agency promulgated final rules allocating allowances to utility units, including the criteria and method of allocating early reduction credits under section 404(e) of the Act. This action implements a settlement of litigation between EPA and a utility regarding Phase II early reduction credits. The settlement provides a method by which additional allowances may be loaned to units receiving early reduction credits as an incentive to further reduce emissions prior to the units becoming subject to the applicable Acid Rain Program emission limitations.

In the proposed rules section of this **Federal Register**, EPA is proposing a rule that is identical to this direct final rule. If significant, adverse comments are timely received on the proposed rule (see DATES section), this direct final rule will be withdrawn and all such comments will be addressed in a subsequent final rule based on the proposed rule. If no significant, adverse comments are timely received on the proposed rule, then the direct final rule becomes effective as published and no further action is contemplated on the parallel proposal published today.

DATES: This rule is effective August 8, 1997, unless significant, adverse comments are received by July 24, 1997. If significant, adverse comments are received, EPA will publish notice in the **Federal Register** withdrawing the direct final rule.

Judicial Review. Under section 307(b)(1) of the Clean Air Act (Act), judicial review of this rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of these direct final revisions. Under section 307(b)(2) of the Act, the requirements that are the subject of today's document may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Docket and Comments.* Docket No. A–97–31, containing supporting information used to develop these amendments, is available for public inspection and copying from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, at EPA's Air Docket Section (6102), Waterside Mall, Room M1500, 1st Floor, 401 M Street, SW, Washington DC 20460, telephone 202–260–7548. Written comments should be submitted to the same address. Information concerning the original rules is found in Docket No. A–92–06, the proposed allowance allocation rule. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Kathy Barylski at (202) 233–9074 Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460; or the Acid Rain Hotline at (202) 233–9620. Electronic copies of this rulemaking can be accessed through the Acid Rain Division website at http://www.epa.gov/acidrain.

SUPPLEMENTARY INFORMATION: In the Proposed Rules Section of this **Federal Register**, EPA is proposing rule revisions that provide a method by which additional allowances may be loaned to units receiving early reduction credits. This will provide an incentive to further reduce emissions prior to the units becoming subject to the applicable Acid Rain Program emission limitations. EPA considers these revisions to be noncontroversial and anticipates no adverse comments. However, if EPA timely receives significant, adverse comments, EPA will publish a document in the **Federal Register** withdrawing the direct final rule. In that event, all public comments received will be treated as comments on the proposed rule as published in the Proposed Rules Section of this **Federal Register** and will be addressed in a subsequent final rulemaking document. EPA will not institute a second comment period on the document in the Proposed Rules Section of this **Federal Register** or on any subsequent final rule addressing withdrawn portions of this final rule. Any parties interested in commenting on these revisions to part 73 should do so at this time.

I. Affected Entities
II. Background
III. Phase II Early Reduction Credits
A. Review of 1993 Rule
B. Issues Resolved in Settlement
1. General Approach
2. Eligibility Criteria
3. Loan of Allowances
4. Reference Point
C. Environmental Benefit
IV. Administrative Requirements
A. Executive Order 12866
B. Unfunded Mandates Act
C. Paperwork Reduction Act
D. Regulatory Flexibility
E. Miscellaneous
F. Submission to Congress and the General Accounting Office

I. Affected Entities

Entities potentially regulated by this action are fossil-fuel fired boilers or turbines that serve generators producing electricity for sale. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Electric service providers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that may be affected by this action. To determine whether your facility may be affected by this action, you should carefully examine the applicability criteria in § 72.6 and the exemptions in §§ 72.7 and 72.8 of title 40 of the Code of Federal Regulations and the revised §§ 72.6, 72.7, 72.8, and 72.14 proposed on December 27, 1996 (61 FR 68340). If you have questions regarding the applicability of this action to a particular entity, consult the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

The overall goal of the Acid Rain Program is to achieve significant environmental benefits through reductions in emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_x), the primary causes of acid rain. To achieve this goal at the lowest cost to society, the program employs both traditional and innovative, market-based approaches for controlling air pollution. In addition, the program encourages energy efficiency and promotes pollution prevention.

Title IV of the Clean Air Act sets as a primary goal the reduction of annual SO_2 emissions by 10 million tons below 1980 levels. To achieve these SO_2 emissions reductions, the law requires a two-phase tightening of restrictions placed on fossil fuel-fired power plants. Phase I began in 1995 and affected 110 mostly coal-burning electric utility plants located in 21 eastern and midwestern states. Phase II, beginning in 2000, tightens the annual emissions limits imposed on these large, higher

emitting plants and also sets restrictions on smaller or cleaner plants fired by coal, oil, or gas. Title IV also requires certain coal-fired units to reduce their emissions of NO_X to a level achievable through installation of applicable NO_X control technology. *See* 40 CFR part 76.

The centerpiece of the Acid Rain Program is a unique trading system in which allowances (each authorizing the emission of up to one ton of SO_2) may be bought and sold at prices determined by the free market. Most existing utility units are allocated allowances based on their historic fuel use and emission rates specified in the Act. Affected utility units are required to limit SO_2 emissions to the number of allowances they hold, but because allowances are transferrable, utilities may meet their emissions control requirements in the most cost-effective manner.

This rule relates to a small number of utilities eligible for allowances under section 404(e) of the Act. Section 404(e) allows a carefully delineated group of utilities to receive allowances for SO_2 emissions reductions achieved before their units are subject to the Acid Rain Program SO_2 emissions limitations. For Phase I of early reduction credits, from 1991 through 1994, a utility received 314,248 allowances. This rule modifies the Phase II early reduction credits program, from 1995 through 1999.

III. Phase II Early Reduction Credits

A. Review of 1993 Rule

Section 404(e) of the Act provided a lengthy delineation of eligibility criteria for utility units to be allocated the additional allowances for early reduction. However, the Act was less specific regarding how the reduction of emissions would be calculated. The March 23, 1993 rule (58 FR 15634) provided a methodology that EPA believed fairly represented the intent of the statute and accurately measured the reduction in emissions.

The first issue was to determine the calculation approach. EPA considered a pure emissions approach, an emissions rate approach, and a hybrid. EPA developed the hybrid approach to encourage the utilities to increase utilization at cleaner plants and to discourage operational shifts that would result in additional emissions. This approach is not addressed in today's rule.

The second issue was what comparison year to measure the reduction against. The 1993 rule finalized use of calendar year 1990 as the comparison year.

B. Issues Resolved in Settlement

1. General Approach

One utility with Phase II affected units that are eligible for early reduction credits for emission reductions from 1995 through 1999 initiated litigation regarding both the method of calculating early reduction credits and the comparison year for measuring the reduction. EPA and the utility worked together for over two years to craft a settlement. Under the settlement, the utility may be loaned allowances for fifteen years, while EPA is reasonably assured that the utility will make additional emissions reductions, thus benefitting the environment. These loaned allowances will be in addition to the early reduction credits calculated under the existing rule.

2. Eligibility Criteria

In order to ensure that the settlement results in an environmental benefit, EPA and the utility agreed that the additional loaned allowances will only be available if the weighted average emission rate (based on heat input) for the Phase I year in question for all of the affected units in the unit's dispatch system is below the system-wide weighted average emission rate for 1990. The utility's dispatch system will be the dispatch system as it existed in 1990. In addition, the 1990 SO_2 emission rate for any unit that did not operate at all during 1990 will be deemed to be equal to the weighted average emission rate of all the other units at the same plant that did operate during 1990.

3. Loan of Allowances

The additional allowances will be awarded to the year 2000 subaccount. For each additional allowance, one allowance will be deducted from the year 2015 subaccount. If there are not enough allowances allocated under subpart B of part 73 to a unit's ATS subaccount for the year 2015 to permit the deduction of the entire number of allowances required to be deducted, additional allowances shall be deducted from the unit's ATS subaccount for subsequent years, as necessary to ensure that the required deduction is made. The unit's designated representative may designate by serial number any allowances to be deducted from the subaccount.

4. Reference Point

The utility interested in Phase II early reduction credits had commented that it believed the credits should be based on the difference between a projected emission rate in Phase I and the actual rate. EPA is not reconsidering or modifying here the rule provisions that base the early reduction credits upon the difference between the actual Phase I emission rate and the 1990 emission rate. However, EPA and the utility agreed that a projected emission rate will be used for awarding the additional loaned allowances.

The utility had provided a report prepared in 1991 estimating that the utility's average fuel sulfur content would rise through Phase I, resulting in an average emission rate of 1.75 lb/mmBtu, in the absence of any early reduction credit program. During the course of settlement, the utility provided additional materials from 1995 that confirmed that its average fuel sulfur content would otherwise rise to at least 1.75 lb/mmBtu. Thus, the Agency and the utility agreed that a ''projected baseline emission rate'' of 1.75 lb/mmBtu would be used to calculate the loaned allowances.

The Agency and the utility agreed that the additional loaned allowances would be calculated in an amount equal to the product, rounded to the nearest whole number, of (a) the unit's Phase I year utilization (in mmBtu) and (b) the amount (in lbs/mmBtu) by which the unit's ''projected baseline emission rate'' exceeds the greater of its actual Phase I year emission rate or its 1990 emission rate.

C. Environmental Benefit

Under the existing early reduction credit program (without the allowance loan provisions), the utility would only significantly reduce the emission rate at one large coal plant (to 1.2 lb/mmBtu) and would sign new coal contracts for an average of 1.75 lb/mmBtu. This would result in total early reduction credits of about 106,000 and total system-wide SO_2 emissions of approximately 1.34 million tons, over the five year period from 1995 through 1999.

The utility has estimated that, with the new allowance loan provisions, it would likely sign new coal contracts or buy spot market coal with lower sulfur content and would reduce the emission rate at most of its units. Using an estimate that new coal contracts could average 1.4 lb/mmBtu, the early reduction credit program, as revised by today's rule, could result in 173,000 early reduction credits, 158,000 loaned allowances, and total SO_2 emissions of 1.19 million tons.

The environment could experience a reduction of 150,000 tons of SO_2 over five years (1.34 million tons minus 1.19 million tons), and 67,000 tons of the reduction (173,000 early reduction credits minus 106,000 early reduction

credits) would be offset by early reduction credits. Therefore, the utility would receive 158,000 loaned allowances to compensate for an additional 83,000 tons of emission reductions (150,000 tons of emission reductions minus 67,000 tons of emission reductions offset by early reduction credits). EPA believes that, because the allowances are merely loaned, the environment may benefit by up to 83,000 tons less of SO_2 emitted to the atmosphere.

IV. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, 58 FR 51735 (October 4, 1993), the Administrator must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a ''significant regulatory action'' because the rule does not meet any of the criteria listed above. As such, this action was not submitted to OMB for review.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than $100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

The revisions to part 73 will not have a significant effect on regulated entities or State permitting authorities. The revisions represent an economic benefit to the affected utility and a benefit to the environment. The early reduction credit program is operated entirely by the EPA and, therefore, the changes will not burden the State or local permitting authorities.

C. Paperwork Reduction Act

This rule will increase the information collection requirements of the existing regulations, but only for utilities that are eligible and wish to participate in the early reduction credit program. As only two utilities are eligible for early reduction credits, an information collection report is not required in connection with today's rule. Therefore, no information collection report has been prepared or submitted to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. Only two utilities are potentially affected by this rule, and neither of those utilities is a small entity.

E. Miscellaneous

In accordance with section 117 of the Act, issuance of this rule was preceded by consultation with any appropriate advisory committees, independent experts, and federal departments and agencies.

F. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 73

Air pollution control, Electric utilities, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: June 16, 1997.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 73 is amended as set forth below.

PART 73—[AMENDED]

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

Authority: 42 U.S.C. 7601 and 7651 *et seq.*

2. Section 73.20 is amended by revising paragraph (e)(4) and by adding paragraph (f) to read as follows:

§ 73.20 Phase II early reduction credits.

* * * * *

(e) * * *

(4) For any unit that did not operate during 1990, the unit's 1990 SO_2 emission rate will be equal to the weighted average emission rate of all of the other units at the same source that did operate during 1990.

* * * * *

(f) *Allowance loan program.* (1) *Eligibility.* Units eligible for Phase II early reduction credits under paragraph (a) of this section are eligible for allowances under this paragraph (f) if the weighted average emission rate (based on heat input) for the prior year for all of the affected units in the unit's dispatch system was less than the system-wide weighted average emission rate for 1990. The weighted average emission rate shall be calculated as follows:

$$\text{Weighted Average Emission Rate} = \frac{\sum \text{Unit Emission Rate} \times \text{Unit Utilization (inmmBtu)}}{\sum \text{Unit Utilization}}$$

For the purposes of this calculation, the unit's dispatch system will be the dispatch system as it existed as of November 15, 1990.

(2) *Allowance Calculation.* Allowances under this paragraph (f) shall be calculated as follows:

$$\text{Unit Allowances} = \left[1.75 - \frac{\text{Greater of 1990 emission rate or}}{\text{Prior year emission rate}}\right] \times \text{Prior year utilization/2000}$$

(3) *Allowance Loan.* (i) The number of allowances calculated under paragraph (f)(2) of this section shall be allocated to the unit's year 2000 subaccount.

(ii) The number of allowances calculated under paragraph (f)(2) of this section shall be deducted, contemporaneously with the allocation under paragraph (f)(3)(i) of this section, from the unit's year 2015 subaccount.

(iii) Notwithstanding paragraph (f)(3)(ii) of this section, if the number of allowances to be deducted exceeds the amount of allowances allocated to the unit for the year 2015, allowances in the year 2015 subaccount equal to the amount of allowances allocated to the unit for the year 2015 shall be deducted. In addition to the deduction from the year 2015 subaccount, a sufficient amount of allowances in the year 2016 subaccount (up to the amount of allowances allocated to the unit for the year 2016) shall be deducted contemporaneously, such that the sum of the allowances deducted from the subaccounts equals the number of allowances required to be deducted under paragraph (f)(3)(ii) of this section.

(iv) Notwithstanding paragraph (f)(3)(ii) of this section, the procedure in paragraph (f)(3)(iii) shall be applied as follows to each year after 2015 (year-by-year in numerical order) for which the number of allowances to be deducted from that year's subaccount exceeds the number allocated to the unit for that year: allowances equal to the number allocated for that year shall be deducted from that year's subaccount and the remainder (up to the amount allocated) necessary to equal the number of allowances required to be deducted under paragraph (f)(3)(ii) of this section shall be deducted from the next year's subaccount.

(v) The owners and operators of the unit shall ensure that sufficient allowances are available to make the full deductions required under paragraphs (f)(3)(ii), (iii), and (iv) of this section. The designated representative may specify the serial number of each allowance to be deducted.

(4) *ERC Units.* Any unit to which allowances are allocated under paragraph (f)(3)(i) of this section shall be considered an ERC unit for purposes of applying the restrictions in paragraph (e)(6) of this section.

[FR Doc. 97–16511 Filed 6–23–97; 8:45 am]
BILLING CODE 6560–50–P

Federal Register

Tuesday
June 24, 1997

Part V

Federal Retirement Thrift Investment Board

5 CFR Part 1640

Periodic Participant Statements; Final Rule

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1640

Periodic Participant Statements

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is publishing final regulations governing the periodic information to be furnished to participants in the Thrift Savings Plan (TSP). The regulations implement various provisions of the Federal Employees' Retirement System Act of 1986 (FERSA), as amended. The regulations clarify the types of periodic information provided to participants in the TSP, conform definitions in the interim regulations to those found in the Board's other regulations, and otherwise make these regulations easier to read.

EFFECTIVE DATE: These final rules are effective June 24, 1997.

FOR FURTHER INFORMATION CONTACT: Merritt A. Willing on (202) 942–1661.

SUPPLEMENTARY INFORMATION: The Board administers the Thrift Savings Plan (TSP), a defined contribution plan for Federal employees established by the Federal Employees' Retirement System Act of 1986 (FERSA), Pub. L. 99–335, 100 Stat. 514 (codified, as amended, largely at 5 U.S.C. 8401–8479). The TSP is a tax-deferred retirement savings plan for Federal employees that is similar to cash or deferred arrangements established under section 401(k) of the Internal Revenue Code. The requirement that periodic statements be provided to participants by the TSP is found at 5 U.S.C. 8439(c). On June 1, 1987, the Board published an interim rule with request for comments in the **Federal Register** (52 FR 20371) which implemented the periodic statement provision of FERSA. The Board received comments from employees and agencies suggesting that the Board issue periodic statements more than twice a year. The Board considered these comments but decided not to issue statements more often than is required by statute because of the administrative cost associated with additional statements, which is an expense borne by all TSP participants.

On May 9, 1997 (62 FR 25559), the Board published these regulations as proposed rulemaking. The Board did not receive any comments on the proposed regulations.

Section 1640.1 contains definitions of words or terms used throughout the regulation. Some of the definitions contained in the interim regulations are amended by the final rule to conform them to the Board's other regulations issued at 5 CFR chapter VI.

Section 1640.2 requires the Board to provide information to each TSP participant at least once every six months, no later than 30 days before the last month of an open season.

Sections 1640.3 and 1640.4 set forth the type of information that will be furnished to a participant regarding the status of his or her individual account during the reporting period.

Section 1640.5 describes the information to be furnished to participants relating to investments in the three investment funds described in 5 U.S.C. 8438. Two types of information are provided: (1) a description of the investment fund, and (2) a five-year history of the performance of that type of investment.

Section 1640.6 provides that individual account statements will be mailed to TSP participants by the Board's record keeper. Information regarding the TSP investments may either be mailed to TSP participants or included with other informational material that is distributed in a way reasonably designed to reach TSP participants.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only internal Government procedures related to the TSP.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, section 201, Pub. L. 104–4, 109 Stat. 48, 64, the effect of these regulations on State, local, and tribal governments and on the private sector has been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by any State, local, and tribal governments in the aggregate or by the private sector. Therefore, a statement under section 202, 109 Stat. 48, 64–65, is not required.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before the publication of this rule in today's **Federal Register**. This rule is not a major rule as defined in section 804(2).

List of Subjects in 5 CFR Part 1640

Employee benefit plans, Government employees, Pensions, Reporting and recordkeeping requirements, Retirement.

Federal Retirement Thrift Investment Board.

Roger W. Mehle,

Executive Director.

For the reasons set forth in the preamble, part 1640 of chapter VI of title 5 of the Code of Federal Regulations is amended as follows:

PART 1640—PERIODIC PARTICIPANT STATEMENTS

1. The authority citation for part 1640 continues to read as follows:

Authority: 5 U.S.C. 8439 (c)(1) and (c)(2), 5 U.S.C. 8474 (b)(5) and (c)(1).

2. Section 1640.1 is amended by removing the definitions of ''Employee contribution,'' ''Employer basic contribution,'' ''Employer matching contribution,'' ''Source,'' ''Thrift Savings Fund,'' ''Thrift Savings Plan or Plan,'' and ''Thrift Savings Plan Service Office,'' by revising the definitions of ''C Fund,'' ''Executive Director,'' ''F Fund,'' ''G Fund,'' ''Individual account,'' ''Investment fund,'' ''Open season,'' and ''Participant,'' and by adding, in alphabetical order, three new definitions to read as follows:

§ 1640.1 Definitions.

* * * * *

C Fund means the Common Stock Index Investment Fund established under 5 U.S.C. 8438(b)(1)(C);

Executive Director means the Executive Director of the Board described in 5 U.S.C. 8474;

F Fund means the Fixed Income Investment Fund established under 5 U.S.C. 8438(b)(1)(B);

G Fund means the Government Securities Investment Fund established under 5 U.S.C. 8438(b)(1)(A);

Individual account means the account established for a participant in the Thrift Savings Plan under 5 U.S.C. 8439(a);

Investment fund means either the G Fund, the F Fund, or the C Fund, or any other Thrift Savings Plan investment fund created after June 24, 1997;

Open season means the period during which participants may choose to begin making contributions to the Thrift Savings Plan, to change or discontinue

the amount they are currently contributing to the Thrift Savings Plan (without losing the right to recommence contributions the next open season), or to allocate prospective contributions to the Thrift Savings Plan among the investment funds;

Participant means any person with an individual account in the Thrift Savings Plan, or who would have an account in the Thrift Savings Plan but for an employing agency error;

Record keeper means the entity that is engaged by the Board to perform record keeping services for the Thrift Savings Plan. As of June 24, 1997, the record keeper is the National Finance Center, Office of the Chief Financial Officer, United States Department of Agriculture, located in New Orleans, Louisiana.

Source of contributions means either agency automatic (1%) contributions under 5 U.S.C. 8432(c)(1) or 8432(c)(3), agency matching contributions under 5 U.S.C. 8432(c)(2), or employee contributions under 5 U.S.C. 8351, or 8440(a) through 8440d;

Thrift Savings Plan means the Federal Retirement Thrift Savings Plan established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, which has been codified, as amended, largely at 5 U.S.C. 8401–8479.

3. Section 1640.2 is revised to read as follows:

§ 1640.2 Duty to provide information.

The Executive Director will provide the information prescribed in §§ 1640.3 and 1640.5 at least once every six months, and not later than thirty (30) days before the last month of an open season.

4. Section 1640.3 is amended by revising the introductory text and paragraphs (c)(2), (d) and (e) to read as follows:

§ 1640.3 Statement of individual account.

The Executive Director will furnish each participant with the following information concerning that participant's individual account:

* * * * *

(c) * * *

(2) The amounts of contributions and earnings in the C Fund, the F Fund, and the G Fund, by source of contribution;

(d) All transactions made in accordance with § 1640.4 and affecting the individual account which occurred during the period covered by the statement;

(e) Any other information that the Executive Director determines should be in the statement.

5. Section 1640.4 is revised to read as follows:

§ 1640.4 Account transactions.

(a) Where relevant, the following transactions will be reported in each individual account statement:

(1) Contributions;

(2) Earnings posted;

(3) Withdrawals;

(4) Forfeitures;

(5) Loan Activity;

(6) Transfers among investment funds;

(7) Adjustments to prior transactions; and

(8) Any other transaction that the Executive Director deems will affect the status of the individual account.

(b) Where relevant, the statement will contain the following information concerning each transaction identified in paragraph (a) of this section:

(1) Type of transaction;

(2) Pay date of the pay period in which the transaction was reflected in the participant's salary payment;

(3) Investment funds affected;

(4) Date the transaction was processed;

(5) Source of the contribution;

(6) Amount of the transaction; and

(7) Any other information the Executive Director deems relevant.

6. Section 1640.5 is revised to read as follows:

§ 1640.5 Investment fund information.

For each open season, the Executive Director will furnish each participant with a statement concerning each of the investment funds. This statement will contain the following information concerning each investment fund:

(a) A summary description of the type of investments to be made by the fund, written in a manner that will allow the participant to make an informed decision; and

(b) The performance history of the type of investments to be made by the fund, covering the five-year period preceding the date of the evaluation.

7. Section 1640.6 is revised to read as follows:

§ 1640.6 Method of providing information.

(a) *Individual account statement.* The information concerning each participant's individual account described in §§ 1640.3 and 1640.4 will be sent to the participant at the participant's last known address, by first class mail. It is the participant's responsibility to provide his or her current address to his or her agency or, in the case of a separated employee, to the record keeper.

(b) *Investment information.* The investment information described in § 1640.5 will be furnished to each participant either:

(1) By mailing the information to the participant by the method described in paragraph (a) of this section; or

(2) By including that information in material published by the Board and distributed in a manner reasonably designed to reach the participant. This includes distributing the material through the participant's agency or, in the case of a separated employee, through the record keeper.

[FR Doc. 97–16546 Filed 6–23–97; 8:45 am]

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