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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

[Docket No. FV97–946–1 FIR]

Irish Potatoes Grown in Washington: Amended Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule which decreased the assessment rate established for the State of Washington Potato Committee (Committee) under Marketing Order No. 946 for the 1997–98 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of Irish potatoes grown in Washington. Authorization to assess potato handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone 202–720–2491, FAX 202–720–5698, or Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204; telephone 503–326–2724; FAX 503–326–7440. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone 202–720–2491; FAX 202–720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR part 946) regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Washington potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes beginning July 1, 1997, and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 1997–98 and subsequent fiscal periods from $0.003 to $0.002 per hundredweight.

The Washington potato marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Washington potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996–97 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal period to fiscal period indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on February 7, 1997, and unanimously recommended 1997–98 expenditures of $44,400 and an assessment rate of $0.002 per hundredweight of potatoes. In comparison, last year's budgeted expenditures were $42,500. The assessment rate of $0.002 is $0.001 less than the rate currently in effect. As the Committee's reserve exceeds the amount authorized in the order of two fiscal periods' operational expenses, the Committee voted to lower its assessment rate and use more of the reserve to cover its expenses. The Committee discussed alternatives to this rule, including alternative expenditure levels, but recommended that the major expenditures for the 1997–98 fiscal period should include $18,800 for an agreement with the Washington State Potato Commission to provide miscellaneous services to the Committee and $6,000 for compliance audits. Budgeted expenses for these items in 1996–97 were $17,400 and $6,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Washington potatoes. Potato shipments for the year are estimated at 10,000,000 hundredweight, which should provide $20,000 in

assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

An interim final rule regarding this action was published in the April 14, 1997, issue of the **Federal Register** (62 FR 18021). That rule provided a 30-day comment period. No comments were received.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 450 producers of Washington potatoes in the production area and approximately 40 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Washington potato producers and handlers may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 1997–98 and subsequent fiscal periods from $0.003 to $0.002 per hundredweight. The Committee unanimously recommended 1997–98 expenditures of $44,400 and an assessment rate of $0.002 per hundredweight of potatoes. The assessment rate of $0.002 is $0.001 less than the rate currently in effect. As the Committee's reserve exceeds the amount authorized in the order of two fiscal periods' operational expenses, the Committee voted to lower its assessment rate and use more of the reserve to cover its expenses.

The Committee discussed alternatives to this rule, including alternative expenditure levels, but recommended that the major expenditures for the 1997–98 fiscal period should include $18,800 for an agreement with the Washington State Potato Commission to provide miscellaneous services to the Committee and $6,000 for compliance audits. The Committee also discussed alternative assessment rate levels. An assessment rate of $0.01 was considered but not recommended because it would not generate the income necessary to administer the program and allow the Committee to maintain an adequate reserve. The Committee also discussed keeping the assessment rate at the current $0.003 level. However, it decided against this course of action because continuation of the higher rate would not allow it to bring its operating reserve in line with the maximum amount authorized under the order. The Committee determined that a reduced assessment rate of $0.002 will require it to use more of its reserve for authorized expenses, and help bring the reserve within authorized levels.

Potato shipments for the year are estimated at 10,000,000 hundredweight, which should provide $20,000 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

Recent price information indicates that the grower price for the 1997–98 marketing season will range between $5.00 and $8.00 per hundredweight of potatoes. Therefore, the estimated assessment revenue for the 1997–98 fiscal period as a percentage of total grower revenue will range between .025 and .04 percent.

This action will reduce the assessment obligation imposed on handlers. While this rule will impose some additional costs on handlers, the costs are minimal and in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the Washington potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 7, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action will not impose any additional reporting or recordkeeping requirements on either small or large Washington potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

In the interim final rule published in the **Federal Register** (62 FR 18021) on April 14, 1997, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses. A copy of the interim final rule was also made available on the Internet by the U.S. Government Printing Office. The comment period ended May 14, 1997, and no comments were received concerning the impacts of this action on small businesses.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action reduces the current assessment rate; (2) the 1997–98 fiscal period begins on July 1, 1997, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period; no comments were received.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 946 which was published at 62 FR 18021 on April 14, 1997, is adopted as a final rule without change.

Dated: June 30, 1997.

Eric M. Forman,

Acting Director Fruit and Vegetable Division.

[FR Doc. 97–17608 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 338

RIN 3064–AB72

Fair Housing

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is amending its fair housing regulation to clarify certain nondiscriminatory advertising requirements with regard to the type of slogan and logotype insured state nonmember banks may use in written, oral and visual advertisements, the type of fair housing posters they may display, and the location for displaying the poster. The final rule also eliminates the FDIC's separate fair housing recordkeeping requirements that serve as a substitute monitoring program permitted by the Federal Reserve Board's Regulation B, which implements the Equal Credit Opportunity Act. Furthermore, the final rule reduces the burden associated with maintaining, updating, and reporting a register of home loan applications by requiring insured state nonmember banks to comply only with the Federal Reserve Board's Regulation C, which implements the Home Mortgage Disclosure Act. The final rule simply cross-references Regulations B and C.

This action is being taken in accordance with section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 which requires the federal bank and thrift regulatory agencies to review and streamline their regulations and policies in order to improve efficiency, reduce unnecessary costs, eliminate unwarranted constraints on credit availability, and remove inconsistencies and outmoded and duplicative requirements.

The final rule seeks to reduce burden on insured state nonmember banks and to more closely align the FDIC's fair housing regulation with those of other federal bank and thrift regulatory agencies.

EFFECTIVE DATE: August 6, 1997.

FOR FURTHER INFORMATION CONTACT: Steve Fritts, Associate Director, Division of Compliance and Consumer Affairs, (202) 942–3454; Michael R. Evans, Fair Lending Specialist, Supervision and Regulation Section, Division of Compliance and Consumer Affairs, (202) 942–3091; or Lori J. Sommerfeld, Attorney, Regulation and Legislation Section, Legal Division, (202) 898–8515; Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Proposed Rule

In accordance with section 303(a) of the Riegle Community Development and Regulatory Improvement Act (CDRIA) of 1994 (12 U.S.C. 4803(a)), the FDIC conducted a systematic review of its regulations and written policies and determined that it was appropriate to revise part 338, Fair Housing (12 CFR part 338). A notice of proposed rulemaking on this issue was published on September 20, 1996 (61 FR 49420).

A. Subpart A (Advertising)

The proposed rule revised subpart A of part 338 by clarifying certain nondiscriminatory advertising requirements. Currently, § 338.4 requires all insured state nonmember banks engaged in extending loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or any loan secured by a dwelling to display an Equal Housing Lender poster where deposits are received or home loans are made in a manner clearly visible to the general public entering the bank. Also, current § 338.3 requires all insured state nonmember banks to include in all written and visual advertisements a copy of the Equal Housing Lender logotype and legend contained in the poster and, with respect to oral advertisements, a statement that the bank is an ''Equal Housing Lender.'' These advertising requirements are intended to help an insured state nonmember bank communicate to its customers (or potential customers) seeking home loans that the bank is committed to fair lending.

The proposed rule revised § 338.3 to give insured state nonmember banks the option of using either the FDIC's Equal Housing Lender logotype and legend, or the Equal Housing Opportunity logotype and legend contained in the Equal Housing Opportunity poster as prescribed by regulations of the Department of Housing and Urban Development (HUD) (specifically, 24 CFR 110.25(a)), in written and visual advertisements. With respect to oral advertisements, insured state nonmember banks were also offered the option of using the slogan ''Equal Opportunity Lender'' in lieu of the current slogan ''Equal Housing Lender.'' The optional use of either poster, logotype or slogan is designed to provide flexibility for institutions that offer a broader variety of loan products than mortgage loans (*e.g.*, auto, consumer, and credit card extensions of credit).

In addition, the proposed rule clarified placement of the poster in § 338.4. Regardless of which poster an institution chooses to display, the poster must be displayed in a single central location clearly visible to the general public entering the area, either where deposits are received or where home loans are made. This change was designed to create consistency and eliminate confusion among insured state nonmember banks about the need for multiple posters.

The proposed rule also eliminated a reference to HUD's advertising regulations. As a result of HUD's regulatory review, part 109 (Fair Housing Advertising) was removed from its regulations (24 CFR part 109) and will be relegated to other non-codified guidance. *See* 61 FR 14378 (April 1, 1996). Accordingly, § 338.1 was revised to eliminate the reference to Part 109. New information was also added to § 338.3 advising all insured state nonmember banks to refer to HUD for further guidance concerning fair housing advertising beyond that set forth in § 338.3.

No changes were proposed to the definitions governing subpart A (§ 338.2).

B. Subpart B (Recordkeeping Requirements)

Section 338.6 of the proposed rule eliminated the definitions of application, dwelling, home improvement loan, and home purchase loan. Because these definitions have created some confusion within the industry, the FDIC believed that eliminating them from part 338 would create consistency by automatically subjecting insured state nonmember banks to the relevant definitions in the Federal Reserve Board's Regulations B and C (12 CFR parts 202 and 203). Regulation B implements the Equal Credit Opportunity Act (ECOA, 15 U.S.C. 1691–1691f), and Regulation C implements the Home Mortgage Disclosure Act (HMDA, 12 U.S.C. 2801–2810). Proposed § 338.6 also reinstated a definition for controlled entity, which is a ''corporation, partnership, association, or other business entity with respect to which a bank possesses directly or indirectly, the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract, or otherwise.'' This term is used in § 338.9 (which governs mortgage lending of a controlled entity), and the definition

was inadvertently omitted from part 338 when it was last amended in 1991.

Section 338.7 currently requires insured state nonmember banks to request and maintain certain information regarding the race and other personal characteristics of applicants for a home purchase loan. The purpose of collecting and retaining this information is to monitor the institution's compliance with ECOA, and § 338.7 serves as a substitute monitoring system permitted by Regulation B. However, § 338.7 requires the collection of more extensive data. For example, under current § 338.7(a)(1), institutions that have no office located in a primary metropolitan statistical area (PMSA) or a metropolitan statistical area (MSA), or which have total assets of $10 million or less, are also required to request and retain information on the location of the property to be purchased. Further, current § 338.7(a)(2) requires insured state nonmember banks that have an office located in a PMSA or MSA and that have total assets exceeding $10 million to request and retain essentially all of the information listed on the model Residential Loan Application Form contained in appendix B of Regulation B (12 CFR part 202, appendix B). Under Regulation B, the only information that must be requested is the race or national origin, sex, marital status, and age of home loan applicants.

Current § 338.8 also notifies institutions of their duty to maintain, update, and report a register of home loan applications consistent with Regulation C. Information required to be collected includes the type of loan requested, the purpose of the loan, whether the loan was approved or denied (including an option for collecting denial reasons for disapproved loans), and the type of purchaser (if the loan was sold). Further, § 338.8 requires all institutions subject to Regulation C to report data on the sex, race or national origin and income of applicants. Until recently, such data were optional under Regulation C for institutions with assets between $10 and $30 million.

When the FDIC's proposed rule was issued, Regulation C required the collection of data only for institutions with assets of $30 million or more. However, current § 338.8 extends the requirements to all insured state nonmember institutions with assets exceeding $10 million that have offices located in a PMSA or an MSA. Regulation C specifies a quarterly schedule for entering the required data on the HMDA register, whereas § 338.8 currently requires more rigorous updating (within 30 days after final disposition of the loan application).

The proposed rule eliminated the FDIC's separate fair housing recordkeeping requirements contained in § 338.7 that serve as a substitute monitoring program permitted by Regulation B. The proposed rule also removed the requirements in § 338.8 that insured state nonmember banks maintain, update and report a register of home loan applications that are duplicative and more rigorous than the requirements of Regulation C. Instead, the proposed rule simply cross-referenced Regulations B and C and required insured state nonmember banks to comply only with those regulations. However, the FDIC proposed to revise § 338.8 to require those institutions subject to Regulation C to collect and report the reasons for denial of each loan application. The reporting of loan denial reasons is currently optional under Regulation C.

The proposed rule also revised § 338.5, which describes the purpose of subpart B, to reflect the changes to §§ 338.6, 338.7, and 338.8.

II. Final Rule

The FDIC received 15 comment letters reflecting the views of one law firm that represents insured state nonmember banks, one community-based organization, three trade associations, four bank holding companies, and six insured state nonmember banks.

A. Subpart A (Advertising)

The vast majority of the commenters favored the changes with respect to the advertising requirements which would permit insured state nonmember banks to use either the FDIC's Equal Housing Lender poster, logotype or slogan, or HUD's Equal Housing Opportunity poster, logotype or slogan. Commenters also generally approved of clarifying placement of the poster in a single central location within a bank readily visible to customers. One commenter suggested that the FDIC provide a definition of ''advertisement'' in subpart A which would include certain electronic advertisements. However, the FDIC believes it would be more appropriate to address this issue in connection with release of the agency's examination guidelines for electronic banking activities. Another commenter suggested that the definitions for dwelling, handicap and familial status, which are identical to the definitions for the same terms contained in the Fair Housing Act (42 U.S.C. 3602), be replaced with cross-references. The FDIC originally inserted those definitions in subpart A for ease of reference so that bankers and their attorneys would not have to consult the Fair Housing Act, and the agency believes that logic still applies.

The FDIC is eliminating from the final rule a proposed section, § 338.3(c), which would have advised all insured state nonmember banks to consult the U.S. Department of Housing and Urban Development (HUD) for further guidance concerning fair housing advertising beyond that set forth in § 338.3. No comments were received on this aspect of this proposal. However, upon further reflection the FDIC believes that this provision is unnecessary because questions concerning the size of the logotype and legend in print advertising occur rather infrequently and can be handled through informal referrals to HUD. Accordingly, § 338.3(c) is being removed from the final rule. Other than this modification, the FDIC is retaining the advertising portion of part 338 (subpart A) as proposed.

B. Subpart B (Recordkeeping Requirements)

Two commenters suggested definitional changes to subpart B. One commenter suggested that § 338.7 be modified to require insured nonmember banks to collect the ''government'' monitoring information required by Regulation C. However, § 338.7 contains a cross-reference to Regulation B, not Regulation C. Moreover, Regulation B uses the term ''monitoring information''. Although the FNMA/FHLMC residential mortgage loan application form contains a section on ''government monitoring'' information, the FDIC believes that it is more appropriate to parallel the language of Regulation B rather than an application that may be subject to change. Therefore, this change is not being implemented. Another commenter suggested adding a definition of ''home loan'', which is used in § 338.9 (mortgage lending of a controlled entity), to § 338.6 or clarifying the term in § 338.9. The FDIC agrees that this term is ambiguous. It is intended to cover home purchase loans and home improvement loans as defined in §§ 203.2 (f) and (g) of Regulation C (12 CFR 203.2 (f), (g)). Accordingly, the FDIC is modifying § 338.9 by replacing the term ''home loan'' with the phrase ''home purchase loans or home improvement loans as defined in Regulation C''.

A majority of the comments favored eliminating the additional data collection and retention requirements imposed by subpart B of part 338 that go beyond the requirements of Regulations B and C. However, one

commenter indicated that the FDIC should increase the current data collection and retention requirements of § 338.7. The commenter indicated that the elimination of such data would make it very difficult for neighborhood organizations to work with lenders in identifying and assisting in the removal of real and perceived barriers to credit. However, the FDIC remains convinced that the collection of the additional data imposed by § 338.7 beyond Regulation B is unnecessary because collection of this or similar data is standard industry practice. Even without the additional data collection and retention requirements, the settlement agreements negotiated between the Department of Justice and several lenders alleged to have engaged in discriminatory lending practices indicate that sufficient data are still available to identify lenders who may be impeding access to credit.

The FDIC also considered completely removing §§ 338.7 and 338.8 because, absent a specific requirement by the FDIC in part 338, all insured state nonmember banks would still be required by Regulation B to collect information about an applicant's race and other personal characteristics in applications for certain dwelling-related loans and, pursuant to Regulation C, to maintain, update and report a register of home loan applications. Two commenters did not perceive a need for a regulatory cross-reference to Regulations B and C. However, the FDIC believes that it is appropriate to provide a cross-reference to Regulations B and C to put insured state nonmember banks on notice of their responsibilities under ECOA and HMDA.

Section 338.8 of the proposed rule also required those institutions that are subject to Regulation C to collect and report the reasons for denial of each loan application that would be reportable under Regulation C. The reporting of denial reasons is currently optional under Regulation C. However, both the OCC and the OTS require those depository institutions they supervise that are subject to Regulation C to collect and report loan denial reasons. *See* 12 CFR 27.3(a)(1)(i) and 12 CFR 528.6, respectively. While comments on this issue were mixed, the FDIC has decided to eliminate the requirement in the final rule for the following reasons.

Previously, depository institutions with assets of $10 million or less were exempt from HMDA. Section 2225 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA) (12 U.S.C. 2808) increased this exemption by adjusting the $10 million figure by the change since 1975 in the Consumer Price Index (CPI). By an interim rule amending Regulation C, the Federal Reserve Board increased the asset-size exemption threshold for HMDA reporters to $28 million in accordance with the EGRPRA amendment. Thus, depository institutions with assets of $28 million or less as of December 31, 1996 are exempt from HMDA data collection and reporting requirements during 1997. This regulatory change became effective February 1, 1997 (62 FR 3603, January 24, 1997). However, depository institutions with assets between $28 million and $30 million as of December 31, 1996 will still have the option of collecting and reporting HMDA data. *See* 12 CFR 203.4(b)(2)(ii). The Federal Reserve Board will amend the asset-size exemption threshold annually based on November CPI data and publish the new threshold in the **Federal Register** each December for compliance beginning January 1 (62 FR 28620, May 27, 1997). The FDIC intends to notify insured state nonmember banks of these changes via supervisory guidance in the near future.

Because these statutory and regulatory amendments significantly reduced the number of insured state nonmember banks that are required to collect and report HMDA data from 3052 to 1593, it would be less burdensome to allow collection and reporting of data on denial reasons to remain an option as currently prescribed by Regulation C. Furthermore, the 1995 HMDA data shows that approximately 92% of the insured state nonmember banks with assets of $28 million or more exercised this option and voluntarily collected and reported 83% of denial reasons. Moreover, as part of their regulatory review under section 303(a) of CDRIA, the Federal Reserve Board will be reviewing Regulation C. Until the Federal Reserve Board determines how, if at all, it will revise Regulation C, it would be premature for the FDIC to require collecting and reporting of loan denial reasons. Accordingly, the FDIC is adopting its proposed recordkeeping requirements for part 338 (subpart B) with the exception of mandatory recording and reporting of loan denial reasons.

The final rule modifies proposed § 338.5 (purpose of subpart B) to reflect the elimination of denial reasons from § 338.8 and to clarify that the FDIC is simply providing a cross-reference to Regulations B and C in §§ 338.7 and 338.8, rather than imposing the agency's own recordkeeping requirements.

III. Regulatory Flexibility Act

The Board of Directors, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed and approved this final rule, and in so doing, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This final rule reduces burden on insured state nonmember banks by clarifying or removing unnecessary provisions.

IV. Paperwork Reduction Act

The final rule contains two collections of information that have Office of Management and Budget (OMB) Paperwork Reduction Act clearance numbers. The first collection is a recordkeeping requirement imposed by the Federal Reserve Board's Regulation B and enforced by the FDIC with regard to insured State nonmember banks. This collection carries OMB clearance number 3064–0085 which expires on September 30, 1998. This final rulemaking is consistent with the OMB approved collection and will be subject to routine public comment and OMB submission and review in 1998 pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*).

The second collection is a recordkeeping and reporting requirement imposed by the Federal Reserve Board's Regulation C and enforced by the FDIC with regard to insured State nonmember banks. This collection carries OMB clearance number 3064–0046 which expires on July 31, 1997. The FDIC submitted to OMB its request for a three year renewal of this Paperwork Reduction Act clearance on June 13, 1997. See notice and request for comments published at 62 FR 33410, June 19, 1997.

V. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Title II, Pub. L. 104–121) provides generally for agencies to report rules to Congress and the General Accounting Office (GAO) for review. The reporting requirement is triggered when a federal agency issues a final rule. Accordingly, the FDIC will file the appropriate reports with Congress and the GAO as required by SBREFA.

Because the Office of Management and Budget has determined that this final revision of part 338 does not constitute a ''major rule'' as defined by SBREFA, the final rule will take effect 30 days from publication in the **Federal Register**.

List of Subjects in 12 CFR Part 338

Advertising, Aged, Banks, Banking, Civil rights, Credit, Fair housing, Individuals with disabilities, Marital status discrimination, Mortgages,

Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols.

For the reasons set forth in the preamble, 12 CFR part 338 is amended as set forth below.

PART 338—FAIR HOUSING

1. The authority citation for part 338 is revised to read as follows:

Authority: 12 U.S.C. 1817, 1818, 1819, 1820(b), 2801 *et seq.*; 15 U.S.C. 1691 *et seq.*; 42 U.S.C. 3605, 3608; 12 CFR parts 202, 203; 24 CFR part 110.

Subpart A—Advertising

2. Section 338.1 is revised to read as follows:

§ 338.1 Purpose.

The purpose of this subpart A is to prohibit insured state nonmember banks from engaging in discriminatory advertising with regard to residential real estate-related transactions. This subpart A also requires insured state nonmember banks to publicly display either the Equal Housing Lender poster set forth in § 338.4(b) of the FDIC's regulations or the Equal Housing Opportunity poster prescribed by part 110 of the regulations of the United States Department of Housing and Urban Development (24 CFR part 110). This subpart A enforces section 805 of title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–3619 (Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988.

3. Section 338.3 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 338.3 Nondiscriminatory advertising.

(a) * * *

(1) With respect to written and visual advertisements, this requirement may be satisfied by including in the advertisement a copy of the logotype with the Equal Housing Lender legend contained in the Equal Housing Lender poster prescribed in § 338.4(b) of the FDIC's regulations or a copy of the logotype with the Equal Housing Opportunity legend contained in the Equal Housing Opportunity poster prescribed in § 110.25(a) of the United States Department of Housing and Urban Development's regulations (24 CFR 110.25(a)).

(2) With respect to oral advertisements, this requirement may be satisfied by a statement, in the spoken text of the advertisement, that the bank is an ''Equal Housing Lender'' or an ''Equal Opportunity Lender.''

* * * * *

4. Section 338.4 is amended by revising the section heading and paragraph (a) to read as follows:

§ 338.4 Fair housing poster.

(a) Each bank engaged in extending loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or any loan secured by a dwelling shall conspicuously display either the Equal Housing Lender poster set forth in paragraph (b) of this section or the Equal Housing Opportunity poster prescribed by § 110.25(a) of the United States Department of Housing and Urban Development's regulations (24 CFR 110.25(a)), in a central location within the bank where deposits are received or where such loans are made in a manner clearly visible to the general public entering the area, where the poster is displayed.

* * * * *

5. Subpart B is amended by revising the subpart heading to read as follows:

Subpart B—Recordkeeping

6. Section 338.5 is revised to read as follows:

§ 338.5 Purpose.

The purpose of this subpart B is two-fold. First, this subpart B notifies all insured state nonmember banks of their duty to collect and retain certain information about a home loan applicant's personal characteristics in accordance with Regulation B of the Board of Governors of the Federal Reserve System (12 CFR part 202) in order to monitor an institution's compliance with the Equal Credit Opportunity Act of 1974 (15 U.S.C. 1691 *et seq.*). Second, this subpart B notifies certain insured state nonmember banks of their duty to maintain, update and report a register of home loan applications in accordance with Regulation C of the Board of Governors of the Federal Reserve System (12 CFR part 203), which implements the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*).

7. Section 338.6 is revised to read as follows:

§ 338.6 Definitions applicable to this subpart B.

For purposes of this subpart B—

(a) *Bank* means an insured state nonmember bank as defined in section 3 of the Federal Deposit Insurance Act.

(b) *Controlled entity* means a corporation, partnership, association, or other business entity with respect to which a bank possesses, directly or indirectly, the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract, or otherwise.

8. Section 338.7 is revised to read as follows:

§ 338.7 Recordkeeping requirements.

All banks that receive an application for credit primarily for the purchase or refinancing of a dwelling occupied or to be occupied by the applicant as a principal residence where the extension of credit will be secured by the dwelling shall request and retain the monitoring information required by Regulation B of the Board of Governors of the Federal Reserve System (12 CFR part 202).

9. Section 338.8 is revised to read as follows:

§ 338.8 Compilation of loan data in register format.

Banks and other lenders required to file a Home Mortgage Disclosure Act loan application register (LAR) with the Federal Deposit Insurance Corporation shall maintain, update and report such LAR in accordance with Regulation C of the Board of Governors of the Federal Reserve System (12 CFR part 203).

10. Section 338.9 is amended by revising the introductory text to read as follows:

§ 338.9 Mortgage lending of a controlled entity.

Any bank which refers any applicants to a controlled entity and which purchases any home purchase loans or home improvement loans as defined in Regulation C of the Board of Governors of the Federal Reserve Board (12 CFR part 203) originated by the controlled entity, as a condition to transacting any business with the controlled entity, shall require the controlled entity to enter into a written agreement with the bank. The written agreement shall provide that the entity shall:

* * * * *

Appendix A to Subpart B of Part 338 [Removed]

11. Appendix A to subpart B of part 338 is removed.

Appendix B to Subpart B of Part 338 [Removed]

12. Appendix B to subpart B of part 338 is removed.

By order of the Board of Directors.

Dated at Washington, D.C. this 24th day of June, 1997.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 97–17426 Filed 7–3–97; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2520

RIN 1210–AA55

Interim Rules for Amending ERISA Disclosure Requirements for Group Health Plans; Approval of Information Collection Requirements

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Interim rules; approval of information collection requirements.

SUMMARY: On April 8, 1997, the Department of Labor published interim final rules governing disclosure requirements for private sector group health plans (62 FR 16979). The rules implemented changes made to certain provisions of the Employee Retirement Income Security Act of 1974 (ERISA), enacted as part of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Newborns' and Mothers' Health Protection Act of 1996 (NMHPA). In the April 8 publication, the Department submitted its revision of the currently approved collection regarding Summary Plan Description requirements under ERISA to the Office of Management and Budget (OMB) for emergency review under the Paperwork Reduction Act of 1995 (PRA 95). This document amends the April 8 **Federal Register** document to properly display the OMB control number, 1210–0039.

DATES: These amendments are effective June 1, 1997.

FOR FURTHER INFORMATION CONTACT: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, N.W., Room N–5647, Washington, D.C. 20210; telephone (202) 219–4782. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The interim rules govern the content of the summary plan description (SPD) for group health plans, the furnishing of summaries of material reductions in covered services or benefits by group health plans, and the disclosure of SPD and related materials by group health plans through electronic media. The rules were adopted on an interim basis in order to accommodate statutorily established time frames for providing regulatory guidance.

OMB reviewed the Department of Labor's collection of information requirements in accordance with the Paperwork Reduction Act of 1995 (PRA 95), 44 U.S.C. chapter 35, and 5 CFR 1320.11. On May 30, 1997, OMB approved revision of the information collection requirements contained in 29 CFR 2520.102–3, 2520.104b–1, and 2520.104b–3 under OMB control number 1210–0039. This approval expires on December 31, 1997.

Statutory Authorities

The interim regulation is adopted pursuant to authority contained in Section 505 of ERISA (Pub. L. 93–406, 88 Stat. 894, 29 U.S.C. 1135) and sections 104(b) and 734 of ERISA, as amended, (Pub. L. 104–191, 110 Stat. 1936, 1951 and Pub. L. 104–204, 110 Stat. 2935, 29 U.S.C. 1024 and 1191c) and under the Secretary of Labor's Order No. 1–87, 52 FR 13139, April 21, 1987.

List of Subjects in 29 CFR Part 2520

Accounting, Employee benefit plans, Employee Retirement Income Security Act, Group health plans, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements, Welfare benefit plans.

For the reasons set forth above, Part 2520 of Title 29 of the Code of Federal Regulations is amended as follows:

PART 2520—[AMENDED]

1. The authority citation for Part 2520 continues to read as follows:

Authority: Sec. 101, 102, 103, 104, 105, 109, 110, 111(b)(2), 111(c), and 505, Pub. L. 93–406, 88 Stat. 840–52 and 894 (29 U.S.C. 1021–25, 1029–31, and 1135); Secretary of Labor's Order No. 27–74, 13–76, 1–87, and Labor Management Services Administration Order 2–6.

Sections 2520.102–3, 2520.104b–1 and 2520.104b–3 are also issued under sec. 101 (a), (c) and (g)(4) of Pub. L. 104–191, 110 Stat. 1936, 1939, 1951, and 1955 and sec. 603 of Pub. L. 104–204, 110 Stat. 2935 (29 U.S.C. 1185 and 1191c).

2. Section 2520.102–3 is amended by adding a parenthetical at the end of the section to read as follows:

§ 2520.102–3 Contents of summary plan description.

* * * * *

(Approved by the Office of Management and Budget under control number 1210–0039.)

3. Section 2520.104b–1 is amended by adding a parenthetical at the end of the section to read as follows:

§ 2520.104b–1 Disclosure.

* * * * *

(Approved by the Office of Management and Budget under control number 1210–0039.)

4. Section 2520.104b–3 is amended by adding a parenthetical at the end of the section to read as follows:

§ 2520.104b–3 Summary of material modifications to the plan and changes in the information required to be included in the summary plan description.

* * * * *

(Approved by the Office of Management and Budget under control number 1210–0039.)

Signed at Washington D.C. this 1st day of July, 1997.

Alan D. Lebowitz,

Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 97–17635 Filed 7–3–97; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 285

RIN 1510–AA58

Collection of Past-Due Support by Administrative Offset

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Interim rule with request for comments.

SUMMARY: The Debt Collection Improvement Act of 1996 (DCIA), enacted on April 26, 1996, authorizes the Secretary of the Treasury (Secretary) to collect past-due support by the administrative offset of Federal payments. Executive Order 13019 of September 28, 1996 (Executive Order) requires that the Secretary promptly develop and implement procedures necessary for the collection of past-due support debts by administrative offset. In addition, the Executive Order requires each executive agency to review each class of payments certified by such agencies to determine whether any class of payments should be exempt from offset. With respect to any class of payments so identified, agencies must submit a request for exemption from offset to the Secretary within 30 days after the Secretary establishes standards for determining exemptions. The Executive Order further requires that Federal payment agencies and disbursing officials promptly implement any rules, regulations, or procedures issued by the Secretary that are necessary to implement offset for the collection of past-due support.

The Financial Management Service (FMS), as the central disbursing agency of the Federal Government, is

responsible for implementation of centralized administrative offset for the collection of nontax delinquent debt owed to the Federal Government, past-due support, and other debt owed to States. This regulation implements administrative offset for the collection of past-due support pursuant to the DCIA and the Executive Order.

As authorized by the DCIA, FMS intends to promulgate additional rules for centralized administrative offset for the collection of nontax debt owed to Federal and State Governments, other than child support. FMS anticipates that Part 285 will eventually contain all of the provisions relating to centralized administrative offset.

DATES: This rule is effective on July 25, 1997. Comments will be accepted until September 5, 1997.

ADDRESSES: Comments or inquiries may be mailed to Gerry Isenberg, Financial Program Specialist, Debt Management Services, Financial Management Service, Department of the Treasury, 401 14th Street SW., Room 151, Washington, DC 20227. A copy of this interim rule is being made available for downloading from the Financial Management Service web site at the following address: http://www.fms.treas.gov.

FOR FURTHER INFORMATION CONTACT: Gerry Isenberg, Financial Program Specialist, at (202) 874–6660; Pamela Dillon, Director, Treasury Offset Program, at (202) 874–8700; Ellen Neubauer or Ronda Kent, Senior Attorneys, at (202) 874–6680.

SUPPLEMENTARY INFORMATION:

Background

The Debt Collection Improvement Act of 1996 (DCIA), Pub. L. 104–134, 110 Stat. 1321–358 (1996), requires that disbursing officials of the Department of the Treasury and other Federal disbursing officials offset Federal payments to collect nontax delinquent debts owed to the United States. Subsection (h) of 31 U.S.C. 3716, as added by section 31001(f) of the DCIA, authorizes the Secretary of the Treasury (Secretary) to collect State debts, including past-due support, by the administrative offset of Federal payments. See also section 31001(z)(1)(B) of the DCIA, codified at 31 U.S.C. 3701(b)(2).

FMS, as the Treasury disbursing office, is responsible for implementation of centralized administrative offset for the collection of nontax debt owed to the United States, past-due support, and other State debt. On September 28, 1996, the President issued Executive Order 13019 entitled ''Supporting Families: Collecting Delinquent Child Support Obligations'' (Executive Order) which requires that the Secretary promptly develop and implement procedures necessary to collect past-due support debts by administrative offset. The Executive Order recognizes that the failure of some parents to meet their child support obligations threatens the health, education, and well-being of their children and requires the collection of delinquent child support obligations from persons who may be entitled or eligible to receive certain Federal payments. FMS is publishing this interim regulation to establish and notify the public of the procedures necessary for the collection of past-due support debts by administrative offset in accordance with 31 U.S.C. 3716(h) and the Executive Order.

Federal law prohibits the use of administrative offset to collect State debts (including past-due support) for many types of Federal payments, including payments due to an individual under (a) title IV of the Higher Education Act of 1965; (b) the Social Security Act; (c) part B of the Black Lung Benefits Act; (d) any law administered by the Railroad Retirement Board; (e) the tariff laws of the United States; and (f) any other law that expressly prohibits collection of past-due support by administrative offset. Regulations promulgated by the Internal Revenue Service and the Department of Health and Human Services (HHS) govern the offsetting of Federal tax refund payments to collect past due child support as authorized under 26 U.S.C. 6402 and 42 U.S.C. 664. See 26 CFR 301.6402–5 and 45 CFR 303.72. FMS will be responsible for operation of the tax refund offset program effective January 1, 1998, and will issue new regulations governing the offset of tax refund payments to collect past-due support.

To implement the Executive Order and 31 U.S.C. 3716(h), FMS is working with HHS, Treasury and non-Treasury disbursing officials, and other affected agencies, including Federal payment agencies. The Executive Order requires that disbursing officials (officials authorized to disburse Federal payments) and payment agencies (agencies that certify Federal payments) promptly implement any rule, regulation, or procedure necessary to conduct administrative offset to collect delinquent child support payments.

Subsection (c)(3)(B) of 31 U.S.C. 3716, as added by section 31001(d)(2)(D) of the DCIA, requires the Secretary to exempt payments under means-tested programs from administrative offset when requested by the head of the respective agency. In addition, this subsection authorizes the Secretary to exempt other payments from administrative offset upon the written request of the head of the payment certifying agency. The written request for exemption must provide justification for the exemption. Standards and instructions for making such requests are available from FMS at the above address and at the FMS web site at www.fms.treas.gov. The Executive Order requires that Federal payment agencies determine the classes and types of payments that should be considered for exemption from administrative offset by the Secretary and submit requests for exemption to FMS within 30 days of the date the Secretary prescribes standards. In acting on such requests, the Secretary will give due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment agency's program. The DCIA requires that the Secretary report to the Congress annually on exemptions granted under the DCIA.

FMS is working closely with HHS to implement procedures necessary to report to the Secretary information on past-due support claims referred to HHS by States for tax refund offset purposes under 42 U.S.C. 664 and 26 U.S.C. 6402(c), including claims enforced by States pursuant to cooperative agreements with or by Indian tribal governments. Such procedures are appropriate to facilitate offset and prevent duplicative efforts by the States. FMS is also working closely with HHS to implement procedures necessary to report to the Secretary information on past-due support claims referred to HHS by States under this rule. It is anticipated that States will continue to refer debts to HHS for offset from both Federal tax refunds and other Federal payments and that HHS will report those debts to the Secretary. While nothing in this rule is intended to require States to refer debts directly to FMS for administrative offset, this rule provides States with that option.

''Past-due support'' means the amount of support, determined under a court order, or an order of an administrative procedure established under State law, for support and maintenance of a child, or of a child and the parent with whom the child is living, which has not been paid. States will have the option of directly notifying FMS of past-due support for administrative offset purposes or of notifying HHS, whereupon HHS will report those debts to FMS.

Before notifying FMS or HHS that an individual owes past-due support, the State or its agents will be required to send notice to such individual that an offset may be taken from certain Federal payments otherwise payable to such individual. The notice shall inform the individual owing the past-due support of the type and amount of the support owed, as well as such individual's right to a review of the State's determination that past-due support is owed or of the amount owed. The State will certify that the requirements of this regulation and applicable State law have been met.

Section by Section Analysis

(a) Definitions

Administrative Offset. Administrative offset has the same meaning as found at 31 U.S.C. 3701(a)(1) except that as used in this rule the term is limited to the offsetting of payments to collect past-due support.

Debt. As used in this rule, the term ''debt'' is limited to debt based on past-due support. Debt based on past-due support is among the many kinds of debts subject to collection by administrative offset and encompassed by the statutory definition of debt found at 31 U.S.C. 3701(b) (1) and (2). The definition of debt contained in this rule does not alter the statutory definition. It merely limits the scope of the rule to debt based on past-due support.

Disbursing Official. Disbursing official means an official who has authority to disburse public money pursuant to 31 U.S.C. 3321 or another law. It includes disbursing officials of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other Government corporation, any disbursing official of the United States designated by the Secretary of the Treasury, or any disbursing official of any other executive department or agency that disburses Federal payments.

Past-Due Support. Past-due support means the amount of support determined under a court order or an order of an administrative procedure established under State law for support and maintenance of a child or of a child and the parent with whom the child is living, which has not been paid. Unless so limited by court order or under State law or procedure, the term ''child'' as used in this definition is not intended to be limited to minor children.

State. Treasury considered including legal subdivisions of States within the definition of ''State'' to ensure that there were no impediments to collecting past-due support being enforced at, for example, the county level. Legal subdivisions of States were not included in the definition of ''State'' because of concerns about the potential impact on current relationships between States and their legal subdivisions in the collection of past-due support. The public is invited to comment on the impact of including or excluding legal subdivisions of States in the definition of ''State'' as well as on any other provision of this rule.

(b) General Rule

Paragraph (b) states the general rule that disbursing officials of FMS and other disbursing officials of the Federal Government will offset Federal payments to collect past-due support. States enforcing past-due support may notify FMS of past-due support either by entering into an agreement with FMS and requesting that the offset be conducted or by notifying HHS. Amounts offset will be forwarded to the State less any fee charged for the offset.

(c) Agreements

Paragraph (c) states that FMS may, within its discretion, enter into an agreement with a State for disbursing officials of FMS and other Federal disbursing officials to collect past-due support by administrative offset. The agreement will contain requirements that FMS considers appropriate to facilitate the offset such as the manner and time frames for submitting debts to FMS; requirements for updating debts; and other procedures to ensure offsets are properly made. The agreement also will require that States have procedures in place for collecting debt by administrative offset including procedures for ensuring that individuals who owe past-due support are provided with notice and an opportunity to be heard before the debt is referred to FMS for offset. There is a strong Federal and State interest in ensuring that parents meet their child support obligations. The failure of some parents to meet their child support obligations weakens families and increases State and Federal welfare expenditures. Thus, agreements entered into between FMS and a State for the collection of past-due support by administrative offset are of mutual benefit to both the State and FMS and are therefore considered reciprocal. There is no requirement that States offset their payments to collect debts owed to the Federal Government and thus the request for offset from the State may come from the appropriate official of the State responsible for enforcing past-due support rather than a State disbursing official.

(d) Notification to FMS of Past-Due Support

Paragraph (d) describes the procedures which must be followed for each debt when a State notifies FMS or HHS of past-due support for purposes of collection by administrative offset. More specific instructions regarding the formatting of information and the required data elements will be provided to States.

States which are enforcing a past-due support order issued by another State or otherwise have knowledge that another State is involved in enforcing a particular past-due support order, are required to inform any other State involved in enforcing the order that it has notified FMS of the past-due support. States must also notify any other State involved in enforcing the order of any amounts received as a result of an offset. The purpose of this notification is to avoid referral of the same debt from more than one State and to ensure that debt amounts are accurately maintained.

Before a debt can be referred to FMS, States must sign a certification for each debt or group of debts certifying that each debt is past-due, legally enforceable, that the notice described in paragraph (h) has been sent, and that the State has completed any requirements imposed by its own laws or procedures for collection of debts by administrative offset. The certifying official must have both the knowledge and the authority to certify to FMS, on behalf of the State, that these requirements have been met. One of the purposes of the certification is to permit the Secretary of the Treasury, as authorized by the DCIA, to waive certain requirements of the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. 552a, when applicable, upon certification by a State that the requirements of 31 U.S.C. 3716(a) have been met. Section 3716(a) of Title 31 sets forth the due process requirements applicable to the collection of delinquent debts owed to the Federal Government. The due process requirements applicable to the determination and collection of past-due support are established under State laws and procedures. Additionally, paragraph (h) of this rule sets forth specific due process requirements States must meet to collect past-due support under this rule. Thus, certification of compliance with both the requirements of State laws and procedures and the requirements of paragraph (h) of this rule will be considered equivalent to certification of compliance with the requirements of 31 U.S.C. 3716(a).

Any debts which are not properly certified or do not otherwise comply with the requirement of this section will not be accepted by FMS. States will be notified that a particular debt or group of debts has been rejected and will be given the reason for the rejection. Such debts may be submitted to FMS once any deficiencies noted have been resolved.

(e) Minimum Amount of Past-due Support

Paragraph (e) states that FMS will not accept debts of less than $25.00 for collection by administrative offset. If a debt is referred to FMS which is over $25.00 at the time it is referred, the debt will remain subject to collection by administrative offset until it is paid in full even if it falls below the $25.00 minimum. The $25.00 minimum is intended to ensure that FMS is not collecting debt by administrative offset where the administrative cost of collection exceeds the amount of the debt. The minimum amount may be adjusted either upward or downward by FMS. States will be notified of any adjustments.

(f) Limitations

Paragraph (f) provides that a debt properly submitted to FMS for administrative offset will remain subject to collection by offset until it is paid in full as long as the debt remains past-due and legally enforceable. A debt will be considered legally enforceable for purposes of this paragraph (f) if, under applicable State law, it may lawfully be collected by administrative offset.

(g) Notification of Changes in Status of Debt

To ensure that debts referred to FMS for collection by administrative offset remain accurate as to their amount and that amounts offset do not exceed the amount of the debt, paragraph (g) requires States to notify FMS or HHS of any decreases in the amount of a debt referred. States are also required to notify FMS or HHS if any debt should be deleted from the debtor database either because it has been paid in full or for any other reason. States are permitted to notify FMS or HHS of any increases in the amount of a debt referred to FMS as long as the State has provided proper notice to the debtor and has complied with any other requirements of State law or procedure. Where a debt represents an ongoing obligation and it is anticipated that the debt will increase on a regular basis, States should ensure that the notices sent pursuant to paragraph (h) of this regulation include such amounts.

Under paragraph (g), States will be required to report, at established time intervals, the total net adjustment made to the amount of the debt if the net adjustment results in a decrease in the debt amount. If the total net adjustment made to the debt amount during the established time interval results in an increase in the debt amount, States are encouraged, but are not required, to report the total net adjustment.

(h) Advance Notification of Intent to Collect by Administrative Offset

Paragraph (h) sets forth requirements concerning the notice and opportunity to exercise certain rights that must be provided to individuals who owe past-due support before the debt can be referred for collection by administrative offset. States must have procedures in place to afford individuals who owe past-due support the opportunity for a review as provided for under this paragraph (h) and must comply with those procedures prior to referring a debt for collection by administrative offset. Where a State intends to refer a debt which it is enforcing based upon an order issued by another State, the referring State must ensure that the individual who owes the past-due support has the opportunity for a review by either the referring State or the State which issued the order.

(i) Payments Subject to Offset

All Federal payments are subject to offset to collect past-due support except those payments described in paragraph (i). Those payments listed in paragraph (i)(1) are specifically excluded from offset to collect past-due support by the DCIA. Paragraph (i)(2) sets forth the authority of the Secretary under the DCIA to exempt additional payments from offset. Payments which may be exempted from offset under this authority are described in paragraph (k). Paragraph (i)(3) is intended to recognize that other laws may prohibit the offset of certain payments to collect past-due support. This exception applies only where another law specifically and expressly prohibits offset. For example, 38 U.S.C. 5301(a) expressly prohibits the collection of most debt by offset from certain Veterans' benefit payments. Paragraphs (i)(4) and (i)(5) reflect the DCIA provisions which exclude payments made under the Internal Revenue Code and the tariff laws of the United States from administrative offset under 31 U.S.C. 3716. Authority to offset tax refund payments to collect past-due support is found at 42 U.S.C. 664 and 26 U.S.C. 6402 and is governed by regulations at 45 CFR 303.72 and 26 CFR 301.6402–5. All other Federal payments are subject to offset under this rule although restrictions may apply to limit the amount of a particular payment which may be offset.

(j) Special Provisions Applicable to Federal Salary Payments

Federal salary payments are included in those payments subject to offset to collect past-due support under 31 U.S.C. 3716. The special rules contained in paragraph (j) are intended to ensure that the amount of a Federal salary payment subject to offset does not exceed the limitations applicable to the garnishment of Federal pay to collect support under 15 U.S.C. 1673(b)(2) (A) and (B). The authority to offset Federal salary payments to collect past-due support is not intended to alter or supersede the authority to garnish the wages of a Federal employee who owes past-due support. Thus, this rule provides that the maximum allowable offset amount will be reduced by the amount of a garnishment order for support. For example, if a Federal employee's pay in a given pay period, after required deductions, is $1,000 and 50% of that pay may be offset, the total amount subject to offset is $500. If, however, there is a garnishment order for support of $300 against that employee's pay, the amount subject to offset is reduced to $200. Where there is a $500 garnishment order against that employee's pay, no offset would be permitted. Because Federal salary pay is being offset to collect past-due support under 31 U.S.C. 3716, the provisions applicable to the offset of Federal salary payments to collect debt owed to the Federal Government do not apply.

(k) Payments Exempt From Administrative Offset to Collect Past-due Support Being Enforced by a State

Paragraph (k) describes the authority of the Secretary as contained in the DCIA to exempt certain payments from administrative offset. Examples of means-tested programs as defined in paragraph (k) include food stamps and Supplemental Security Income (SSI). Such programs are exempt from offset so long as a request for an exemption is properly submitted to the Secretary and the Secretary determines that such programs are, in fact, means-tested. Other payments may be exempted from offset at the discretion of the Secretary upon receipt of a proper request from the agency that issues the payment which justifies the reason for the exemption. FMS has issued standards for payment agencies to follow when for making such requests. These standards are available from FMS at the above address and at the FMS web site. In

acting on such requests, the Secretary will give due consideration to whether or not the offset would tend to substantially interfere with the purpose of the program.

(l) Fees

FMS will charge a fee to cover the costs of the offset.

The fee will be deducted from the amount offset before that amount is forwarded to the States and will only be charged when an offset has been made. States may add this fee to the amount of the debt if permitted by law. The fee charged is intended to reimburse FMS for the administrative costs of the offset and therefore may be adjusted to reflect costs. Once a fee is established, however, it will not be adjusted for a period of at least 12 months. States will be notified in advance of any adjustments.

(m) Conducting the Offset

Paragraph (m) describes how the offset program works. Debts referred to FMS are entered into a centralized debtor database. When disbursing officials of the Federal Government issue payments, those payments are compared with the debtor database to determine if the person to whom the payment is to be issued (the payee) owes a debt. If a match occurs (a match occurs when the taxpayer identification number and name of the payee match the taxpayer identification number and name of a debtor) and the payment is one which is subject to offset for the collection of past-due support, the offset will take place. Amounts offset will be forwarded to the State, less any fee. If the amount offset is less than the amount of the payment, the remainder of the payment will be forwarded to the payee. Certain payments may only be partially offset, that is, only a certain percentage of the payment may be offset to collect a debt. If the offset does not result in payment of the debt in full, offsets from future payments to the payee will continue until the debt is paid in full. Although only those debts based on past-due support are the subject of this rule, other debts as defined at 31 U.S.C. 3701(b) are also included in the database to be collected by administrative offset. Separate rules govern the collection of other debts (debts not based on past-due support) by administrative offset.

(n) Priorities

Paragraph (n) is intended to establish a priority for offsets where an individual owes more than one debt and a payment being issued to that individual (or the amount of that payment which is available for offset) is not sufficient to satisfy all debts. Debt based on past-due support may be of more than one type depending on whether or not the debt has been assigned to the State. Paragraph (n) provides that debt which has been assigned to the State will be collected first and that debt which has not been assigned to the State will be collected only after other reductions allowed by law have been taken, such as offsets to collect debt as defined at 31 U.S.C. 3701(b) which is owed to the Federal Government.

(o) Notification of Offset

Paragraph (o) provides that once an offset has occurred, the disbursing official who conducted the offset will provide notice to the payee that the offset has occurred. A disbursing official, however, cannot be held liable for failure to provide this notice.

(p) Liability of Disbursing Officials and Payment Agencies

Paragraph (p) restates the DCIA which provides that neither the disbursing official nor the payment agency shall be liable for the amount of the offset on the basis that the underlying obligation, represented by the payment amount before the offset was taken, was not satisfied. Thus, if a payee is due a payment and receives less than the full amount of that payment because an offset has occurred, no cause of action exists against the disbursing official or the payment agency on the basis that the payment was not made in full. Paragraph (p) also provides that the payment agency will receive notice that the offset has occurred and will be provided with contact information at the State which referred the debt for offset. The purpose of this notice is to allow the payment agency to properly direct any inquiries it may receive concerning the offset.

Regulatory Analyses

It has been determined that this rule is not a significant regulatory action as defined in Executive Order 12866. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act do not apply.

Special Analyses

FMS is promulgating this interim rule without opportunity for prior public comment pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553, because FMS has determined, for the following reasons, that a comment period would be impracticable and contrary to the public interest. The DCIA was effective immediately upon its enactment on April 26, 1996, and for the first time, authorized the collection of past-due support by administrative offset from certain Federal payments. Prior to the passage of the DCIA only debts owed to the United States could be collected by administrative offset from these Federal payments. Thus, States enforcing past-due support as well as members of the public who either owe or are owed past-due support may not be aware of the impact of the law.

Executive Order 13019 dated September 28, 1996 requires the Secretary to promptly develop and implement procedures necessary for the Secretary to collect past-due support by administrative offset. The Executive Order states that the failure of some parents to meet their child support obligations threatens the health, education, and well-being of their children. It is the intent of the Executive Order to facilitate the collection of delinquent child support obligations from persons who may be entitled to receive certain Federal payments thereby supporting our children and strengthening American families. Since this interim rule provides critical guidance needed to facilitate the offset of Federal payments to collect past-due support, FMS believes that it is in the public interest to issue this interim rule without opportunity for prior public comment.

The public is invited to submit comments on the interim rule which will be taken into account before a final rule is issued.

FMS has determined that good cause exists to make this interim rule effective upon publication without providing the 30 day period between publication and the effective date contemplated by 5 U.S.C. 553(d). The purpose of a delayed effective date is to afford persons affected by a rule a reasonable time to prepare for compliance. However, in this case, the authority to collect past-due support by administrative offset from Federal payments became effective on April 26, 1996. Inasmuch as this interim rule provides important guidance that is expected to facilitate implementation of the authority contained in the law, FMS believes that good cause exists to make the rule effective upon publication.

Since the interim rule is being issued without prior notice and public procedure pursuant to the APA, the collections of information contained in the interim rule has been reviewed under the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(j)) and, pending receipt and evaluation of public comments,

approved by the Office of Management and Budget (OMB) under control number 1510–0069. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Comments concerning the collection of information should be directed to OMB, Attention: Desk Officer for the Department of the Treasury, Financial Management Service, Office of Information and Regulatory Affairs, Washington, D.C. 20503, with copies to Jacqueline Perry, Public Reports Clearance Officer, Financial Management Service, 3361 75th Avenue, Landover, Maryland 20785. Any such comments should be submitted not later than September 5, 1997. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of FMS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced; and

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques and other forms of information technology.

The collections of information in this interim regulation are in § 285.1 (d)(1), (d)(2), (d)(3), (g), and (h). The information collected under § 285.1(d)(1) may include the name of the person owing past-due support, the person's social security number, the person's address, the amount of past-due support owed, and an identity code for the State. This information is needed to determine if the debtor and the payee of a Federal payment is the same person, to notify the debtor/payee of the occurrence of an offset, and to forward the money offset to the appropriate State.

The information collected under § 285.1(d)(2) shall include name and social security number of the debtor. This information is necessary to prevent duplication of reporting to FMS.

The information collection under § 285.1(d)(3) shall include a signed statement that the debt is past-due and legally enforceable and that the State has complied with all the requirements under § 285.1(h). This information is necessary to provide a waiver of certain sections of the Computer Matching and Privacy Protection Act of 1988 where such a waiver is necessary to conduct administrative offset under this rule.

The information collected under § 285.1(g) may include changes to the name of the person owing past-due support, the person's social security number, the person's address, the amount of past-due support owed, or the identity code for the State collecting the debt. This information is needed to assure that the information concerning the debtor is accurate, which prevents erroneous offsets.

The information collected under § 285.1(h) shall include the name and address of the debtor, information concerning the existence of a past-due support debt and the intent to collect the debt by administrative offset, and a listing of the debtor's rights. This information is a prerequisite for conducting administrative offset under 31 U.S.C. 3716(a).

The collections of information under this rule is voluntary. Likely respondents to all the collections of information listed above are States, Territories, and Commonwealths of the Federal Government.

The estimated total annual reporting burden is 5562 hours. The estimated burden hours per respondent is 103 hours. The estimated number of respondents is 54. These figures represent the burden imposed by FMS. The reporting burden imposed by other agencies will be addressed by those agencies.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Child Support, Claims, Debts, Privacy, Taxes.

Authority and Issuance

For the reasons set forth in the preamble, 31 CFR part 285 is amended to read as follows:

PART 285—DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

1. The authority citation for part 285 is revised to read as follows:

Authority: 26 U.S.C. 6402; 31 U.S.C. 321, 3716, 3720A; E.O. 13019.

2. Section 285.1 is added to part 285, subpart A, to read as follows:

§ 285.1 Collection of past-due support by administrative offset.

(a) *Definitions.* For purposes of this section:

Administrative offset means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a debt.

Debt as used in this section is synonymous with the term past-due support.

Disbursing official includes an official who has authority to disburse public money pursuant to 31 U.S.C. 3321 or another Federal law.

FMS means the Financial Management Service, a bureau of the Department of the Treasury. FMS is the designee of the Secretary of the Treasury for all matters concerning this section, unless otherwise specified.

HHS means the Department of Health and Human Services, Office of Child Support Enforcement.

Past-due support means the amount of support determined under a court order, or an order of an administrative procedure established under State law, for support and maintenance of a child, or of a child and the parent with whom the child is living, which has not been paid.

Past-due support being enforced by the State means there has been an assignment of the support rights to the State or the State making the request for offset is providing services to individuals pursuant to 42 U.S.C. 654(5) (section 454(5) of the Social Security Act).

State means the several States of the United States. The term State also includes the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Secretary means the Secretary of the Treasury.

(b) *General Rule.* FMS may enter into a reciprocal agreement with a State for the collection of past-due support being enforced by the State by administrative offset from certain Federal payments. Upon notification of past-due support either directly from a State which has entered into such an agreement or from HHS, disbursing officials of FMS or any other disbursing official of the United States shall offset Federal payments which are subject to offset under this section, to collect past-due support. The amount offset, minus the offset fee, shall be forwarded to the State to be distributed in accordance with applicable laws and procedures.

(c) *Agreements.* FMS may enter into reciprocal agreements with States for disbursing officials of FMS and any other Federal disbursing official to offset certain Federal payments to collect past-due support being enforced by the State. The agreement shall contain any requirements which FMS considers

appropriate to facilitate the offset and prevent duplicative efforts and shall require States to prescribe procedures governing the collection of past-due support by Federal administrative offset. For purposes of this section, reciprocal means of mutual benefit. An agreement between FMS and a State to collect past-due support by offsetting Federal payments will be considered of mutual benefit and it is not required that States conduct administrative offsets to collect debts owed to the Federal Government. States which have entered into an agreement with FMS pursuant to this section may thereafter request, in the manner prescribed herein, that an offset be performed. Such requests shall be made by the appropriate State disbursing official which, for purposes of this section, means an appropriate official of the State agency which administers or supervises the administration of the State plan under Title IV–D of the Social Security Act.

(d) *Notification to FMS of past-due support.* (1) States notifying FMS of past-due support must do so in the manner and format prescribed by FMS. States notifying HHS of past-due support must do so in the manner and format prescribed by HHS. HHS shall notify FMS of all past-due support referred to HHS by States for collection by administrative offset provided that the requirements of paragraphs (d)(3) and (h) of this section have been met.

(2) When a State has knowledge that past-due support is being enforced by more than one State, the State notifying FMS or HHS of the past-due support must inform any other State involved in enforcing the past-due support when it refers the debt for offset and when it receives the offset amount.

(3) The notification of past-due support must be accompanied by a certification that the debt is past-due, legally enforceable, and that the State has complied with all the requirements as set forth in paragraph (h) of this section and with any requirements imposed by State law or procedure. For debts so certified, the Secretary may waive sections 552a (o) and (p) of Title 5, United States Code, where applicable, in accordance with the Secretary's authority under 31 U.S.C. 3716(f).

(4) FMS may reject a notification of past-due support which does not comply with the requirements of this section. The State will be notified of the rejection along with the reason for the rejection.

(e) *Minimum amount of past-due support.* FMS will reject a notification of past-due support where the past-due support owed is less than $25.00. This amount may be adjusted from time to time by FMS to ensure that the cost of collection does not exceed the debt.

(f) *Limitations.* Debts properly submitted to FMS for administrative offset will remain subject to collection by administrative offset until withdrawn by the State provided the debt remains past-due and legally enforceable.

(g) *Notification of changes in status of debt.* The State notifying FMS or HHS of past-due support shall, in the manner and in the time frames provided by FMS or HHS, notify FMS or HHS of any deletion or decrease in the amount of a debt referred for collection by administrative offset. The State may notify FMS or HHS of any increases in the amount of a debt referred for collection by administrative offset provided the State has complied with the requirements of paragraph (h) of this section with regard to those amounts.

(h) *Advance notification of intent to collect by administrative offset.* (1) The State, or FMS or HHS on behalf of the State, if the State requests and FMS or HHS agrees, shall send a written notification, at least 30 days in advance of referral of the debt for offset, to the individual owing past-due support, informing the individual that the State intends to refer the debt for collection by administrative offset against Federal payments. The notice must also inform the individual of:

(i) The nature and amount of the debt; and

(ii) The right to an administrative review by the State referring the debt or, upon the request of the individual, by the State with the order upon which the referral was based, of the determination of the State with respect to the debt and of the procedures and time frames established by the State for such reviews.

(2) Prior to referring a debt to FMS for collection by administrative offset, States must provide individuals with a reasonable opportunity to exercise the rights enumerated in paragraph (h)(1) of this section in accordance with procedures prescribed by the State.

(i) *Payments subject to offset.* Federal payments subject to offset under this section include all Federal payments except:

(1) Payments due to an individual under

(i) Title IV of the Higher Education Act of 1965;

(ii) The Social Security Act;

(iii) Part B of the Black Lung Benefits Act;

(iv) Any law administered by the Railroad Retirement Board;

(2) Payments which the Secretary determines are exempt from offset in accordance with paragraph (k) of this section;

(3) Payments from which collection of past-due support by administrative offset is expressly prohibited by law;

(4) Payments made under the Internal Revenue Code of 1986 (except that tax refund payments are subject to offset under separate authority); and

(5) Payments made under the tariff laws of the United States.

(j) *Special provisions applicable to Federal salary payments.* (1) Unless a lower maximum offset limitation is provided by applicable State law, the maximum part of a Federal salary payment per pay period subject to offset to collect past-due support shall not exceed those amounts set forth at section 1673(b)(2) (A) and (B) of Title 15, United States Code, as follows:

(i) Fifty (50%) percent of the debtor's aggregate disposable earnings for any pay period, where the debtor asserts by affidavit, or by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than the former spouse and/or child for whom support is being collected, except that an additional five (5%) percent will apply if it appears that such earnings are to enforce past-due support for a period which is twelve (12) weeks or more prior to the pay period to which the offset applies. A debtor shall be considered to be supporting a spouse and/or dependent child only if the debtor provides over half of the spouse's and/or dependent child's support.

(ii) Sixty (60%) percent of the debtor's aggregate disposable earnings for any pay period where the debtor fails to assert by affidavit or establish by other acceptable evidence that he/she is supporting a spouse and/or dependent child, other than a former spouse and/or child for whom support is being collected, except that an additional five (5%) percent will apply if it appears that such earnings are to enforce past-due support for a period which is twelve (12) weeks or more prior to the pay period to which the offset applies.

(2) The maximum allowable offset amount shall be reduced by the amount of any deductions in pay resulting from a garnishment order for support. Nothing in this rule is intended to alter rules applicable to processing garnishment orders for child support and/or alimony.

(3) Federal salary payments subject to offset for the collection of past-due support include current basic pay, special pay, incentive pay, retainer pay, overtime, or in the case of an employee not entitled to basic pay, other authorized pay. Aggregate disposable earnings for purposes of determining the

maximum amounts which may be offset under paragraph (j)(1) of this section is Federal salary pay remaining after the deduction of:

(i) Any amount required by law to be withheld;

(ii) Amounts properly withheld for Federal, State or local income tax purposes;

(iii) Amounts deducted as health insurance premiums;

(iv) Amounts deducted as normal retirement contributions, not including amounts deducted for supplementary coverage; and

(v) Amounts deducted as normal life insurance premiums not including amounts deducted for supplementary coverage.

(4) At least 30 days in advance of offset, the disbursing official shall send written notice to the debtor of the maximum offset limitations described in paragraph (j)(1) of this section. The notice shall include a request that the debtor submit supporting affidavits or other documentation necessary to determine the applicable offset percentage limitation. The notice shall also inform the debtor of the percentage that will be deducted if he/she fails to submit the requested documentation.

(k) *Payments exempt from administrative offset to collect past-due support being enforced by a State.* The Secretary will exempt from administrative offset under this part payments made under means-tested programs when requested by the head of the Federal agency which administers the program. For purposes of this section, means-tested programs are programs for which eligibility is based on a determination that income and/or assets of the beneficiary are inadequate to provide the beneficiary with an adequate standard of living without program assistance. The Secretary may exempt from administrative offset under this section any other class or type of payment upon the written request of the head of the agency which authorizes the payments. In determining whether or not to grant such exemptions, the Secretary shall give due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment agency's program.

(l) *Fees.* A fee which FMS has determined to be sufficient to reimburse FMS for the full cost of the offset procedure, shall be deducted from each offset amount. FMS will notify the States, annually and in advance, of the amount of the fee to be charged for each offset.

(m) *Conducting the offset.* Disbursing officials of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other Government corporation, any disbursing official of the United States designated by the Secretary, or any disbursing official of an executive department or agency that disburses Federal payments shall offset payments subject to offset under this section to satisfy, in whole or part, a debt owed by the payee. Disbursing officials shall compare payment certification records with records of debts submitted to FMS for collection by administrative offset. A match will occur when the taxpayer identifying number and name control of a payment record are the same as the taxpayer identifying number and name control of a debt record. The taxpayer identifying number for an individual is the individual's social security number. When a match occurs and all other requirements for offset have been met, the disbursing official shall offset the payment to satisfy, in whole or part, the debt. Any amounts not offset shall be paid to the payee. The amount that can be offset from a single payment is the lesser of the amount of the debt (including interest, penalties, and administrative costs); the amount of the payment; or the amount of the payment available for offset if a statute or regulation prohibits offset of the entire amount. Debts remain subject to collection by offset until paid in full.

(n) *Priorities.* When a payee owes more than one debt which has been referred to FMS for collection by administrative offset, any offset will be applied first to past-due support assigned to a State and will be applied to any other past-due support after any other reductions allowed by law.

(o) *Notification of offset.* Disbursing officials of FMS or any other disbursing official which conducts an offset will notify the payee in writing of the occurrence of the offset to satisfy past-due support. The notice shall inform the payee of the type and amount of the payment that was offset; the identity of the State which requested the offset; and a contact point within the State that will handle concerns regarding the offset. Disbursing officials shall not be liable for failure to provide this notice.

(p) *Liability of disbursing officials and payment agencies.* Neither the disbursing official nor the agency authorizing the payment shall be liable for the amount of the administrative offset on the basis that the underlying obligation, represented by the payment before the administrative offset was taken, was not satisfied. Disbursing officials will notify the agency authorizing the payment that the offset has occurred so that the agency authorizing the payment may direct any inquiries concerning the offset to the appropriate State.

Dated: June 30, 1997.

Russell D. Morris,

Commissioner.

[FR Doc. 97–17518 Filed 7–3–97; 8:45 am]

BILLING CODE 4810–35–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KS 026–1026; FRL–5853–1]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is taking final action to approve the State Implementation Plan (SIP) revision concerning Kansas Air Regulation (K.A.R.) 28–19–79, Fuel Volatility, submitted by the Kansas Department of Health and Environment (KDHE). This revision sets a summertime gasoline Reid vapor pressure (RVP) limit of 7.2 pounds per square inch (psi), and 8.2 psi for gasoline containing at least 9.0 percent by volume but not more than 10.0 percent by volume ethanol, for gasoline distributed in Wyandotte and Johnson Counties in Kansas. This revision is necessary to ensure that the area continues to maintain the National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: This final rule is effective on August 6, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Stan Walker at (913) 551–7494.

SUPPLEMENTARY INFORMATION: On March 24, 1997 (62 FR 13849), the EPA proposed approval of the SIP revision concerning K.A.R. 28–19–79, Fuel Volatility, submitted by KDHE. This revision, which limits the RVP of gasoline sold in the Kansas portion of the metropolitan area, is necessary to help the Kansas City area maintain the NAAQS for ozone. In accord with section 211(c)(4)(C), the EPA is able to approve this fuel control measure because the state of Kansas demonstrated that the measure is

necessary to achieve the national primary and secondary ambient air quality standard. The EPA also approves the state fuel requirement as necessary because no other measures would bring about timely attainment or, if other measures exist, they are unreasonable or impracticable.

The state rule was adopted and approved by the Secretary of KDHE after proper public notice and hearing procedures. The rule was effective on May 2, 1997. The SIP revision was submitted by the Secretary of KDHE on May 23, 1997.

The EPA proposed approval of this rule using parallel processing procedures. Under this procedure, the EPA proposed to approve the Kansas rule based on its proposed rule provided the state made no significant changes in the rule upon adoption of the final rule. Since no substantive revisions were made by the state to its proposed rule, and the EPA received no comments on its proposed approval notice, the EPA is able to take final action in this notice to approve this revision to the state's SIP.

The rule was adopted by the state and became effective on May 2, 1997. The EPA is taking final action regarding this SIP revision for the reasons discussed in the notice of proposed rulemaking (NPM).

For additional background on this action and the EPA's detailed rationale for approval, please refer to the technical support document of the aforementioned NPM (62 FR 13849), as modified in conjunction with this final action.

I. Final Action

The EPA is taking final action to approve the SIP revision concerning K.A.R. 28–19–79, Fuel Volatility, submitted by KDHE.

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

II. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., the 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, the 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.

This Federal action authorizes and approves into the Kansas SIP requirements previously adopted by the state, and imposes no new requirements. Therefore, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the Clean Air Act (CAA), preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 signed into law on March 22, 1995, the 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 in any one year. Under section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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 action authorizes and approves into the Kansas SIP requirements previously adopted by the state, and imposes no new requirements. Accordingly, no additional cost to state, local, or tribal governments, or to the private sector, results from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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 this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 17, 1997.

William Rice,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart R—Kansas

2. Section 52.870 is amended by adding paragraph (c)(33) to read as follows:

§ 52.870 Identification of plan.

* * * * *

(c) * * *

(33) A revision to the Kansas SIP was submitted by the Kansas Department of Health and Environment on May 23, 1997, pertaining to fuel volatility.

(i) Incorporation by reference.

(A) K.A.R. 28–19–79, Fuel Volatility, effective May 2, 1997.

[FR Doc. 97–17601 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 105–0041a; FRL–5843–9]

Approval and Promulgation of Implementation Plan for Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action to approve Yolo-Solano Air Quality Management District (District) Rule 3.1—General Permit Requirement, Rule 3.2—Exemptions, Rule 3.4—New Source Review, Rule 3.14—Emission Reduction Credits, and Rule 3.15—Priority Reserve. EPA is approving these rules for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or Act) with regard to new source review (NSR) in areas that have not attained the national ambient air quality standards (NAAQS). This approval action will incorporate these rules into the federally approved State Implementation Plan (SIP) for California. The rules were submitted by the State to satisfy certain Federal requirements for an approvable NSR SIP. Thus, EPA is finalizing the approval of these rules into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas. EPA is taking this action without prior proposal because the Agency views this as a non-controversial amendment and anticipates no adverse comments.

DATES: This action is effective on September 5, 1997 unless adverse or critical comments are received by August 6, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Comments should be submitted to Steve Ringer (AIR–3), EPA, Region 9, 75 Hawthorne St, San Francisco, CA 94105–3901. Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours at the following address: Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Yolo-Solano Air Quality Management District, 1947 Galileo Ct., Suite 103, Davis, CA 95616.

FOR FURTHER INFORMATION CONTACT: Steve Ringer, (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. (415) 744–1260.

SUPPLEMENTARY INFORMATION: The air quality planning requirements for nonattainment NSR are set out in part D of title I of the Clean Air Act. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment NSR SIP requirements [see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion. EPA has also proposed regulations to implement the changes under the 1990 Amendments in the NSR provisions in parts C and D of Title I of the Act. [See 61 FR 38249 (July 23, 1996)]. Upon final promulgation of those regulations, EPA will review those NSR SIP submittals on which it has already taken final action to determine whether additional SIP revisions are necessary.

I. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) and section 110(l) of the Act provide that each implementation plan or revision to an implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 172(c)(7) of the Act provides that plan provisions for nonattainment areas shall meet the applicable provisions of Section 110(a)(2).

Rule 3.1 was adopted by the District Board of Directors on February 23, 1994, and submitted to EPA as an amendment to the SIP on October 19, 1994. Rule 3.2 was adopted by the District on August 25, 1993, and submitted to EPA on March 29, 1994. Rule 3.4 was adopted by the District on December 11, 1996, and submitted to EPA on March 26, 1997. Rules 3.14 and 3.15 were adopted by the District on September 22, 1993, and submitted to EPA on March 29, 1994.

EPA deemed the submittals complete on December 1, 1994, June 3, 1994, May 14, 1997, and June 3, 1994, respectively. EPA made its determinations of completeness pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 appendix V.[1]

II. Summary of Rule Contents

The Yolo-Solano Air Quality Management District submitted to EPA for adoption into the applicable NSR SIP Rules 3.1, 3.2, 3.4, 3.14, and 3.15, which constitute the District's new source permitting rules. Rule 3.1 contains the District's general requirement that new and modifying sources must obtain an authority to construct (ATC) permit prior to construction. Rule 3.2 contains a list of exemptions from the ATC permit requirements. Rule 3.4 contains the District's NSR definitions, administrative requirements, and the standards which a stationary source must meet in order to obtain an ATC permit. Rule 3.14 creates an administrative mechanism for certifying emission reduction credits (ERCs), and Rule 3.15 establishes the District's Priority Reserve bank for ERCs.

Rules 3.1, 3.2, 3.4, 3.14, and 3.15 represent comprehensive revisions to the District's NSR permitting regulations. These rules subsume all elements of the District NSR rules that are currently in the SIP, and are thus intended to supersede District Rules 3.1, 3.2, 3.3, 3.4, 3.4.1, 3.4.2, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, and 3.13 which were approved into the SIP by EPA on various dates between March 31, 1972 and April 17, 1989.

The District is composed of Yolo County and part of Solano County, and is designated as a severe ozone nonattainment area. The District is designated attainment for PM10, NO2, SO2 and CO. For the detailed area designations that apply to the District, please refer to 40 CFR § 81.305. The CAA air quality planning requirements for nonattainment NSR are set out in part D of Title I of the Act, with

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

implementing regulations at 40 CFR §§ 51.160 through 51.165. EPA has determined that the District's submittal satisfies these requirements.

For a more detailed description of how the submitted Rules meet the Act's applicable requirements, please refer to EPA's technical support document (TSD) for this action.

III. Action

EPA has evaluated Rules 3.1, 3.2, 3.4, 3.14, and 3.15 and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, District Rules 3.1, 3.2, 3.4, 3.14, and 3.15 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), and part D of Title I of the Act.

IV. Administrative Review

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.

EPA is taking this action without prior proposal in part because the District has provided public workshops in the development of the submitted rules, and provided the opportunity for public comment prior to adoption of the submitted rules. At that time, no significant comments were received by the District. The Agency therefore views this as a non-controversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 5, 1997, unless, by August 6, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective September 5, 1997.

V. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

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

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

C. Unfunded Mandates

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

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

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 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, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: June 4, 1997.

Felicia Marcus,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(196)(i)(D), (c)(202)(i)(F), (c)(245) and adding and reserving paragraph (c)(244) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(196) * * *

(i) * * *

(D) Yolo-Solano Air Quality Management District.

(*1*) Rule 3.2, adopted on August 25, 1993; and rules 3.14 and 3.15, adopted on September 22, 1993.

* * * * *

(202) * * *

(i) * * *

(F) Yolo-Solano Air Quality Management District.

(*1*) Rule 3.1, adopted on February 23, 1994.

* * * * *

(244) [Reserved]

* * * * *

(245) New and amended regulations for the following APCDs were submitted on March 26, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Yolo-Solano Air Quality Management District.

(*1*) Rule 3.4, adopted on December 11, 1996.

* * * * *

[FR Doc. 97–17599 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–149; FCC 97–222]

Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as Amended

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Second Order on Reconsideration (Order) released June 24, 1997 examines the proper interpretation of section 272(e)(4) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act). The Order concludes that the Commission's original interpretation—that section 272(e)(4) imposes requirements on Bell Operating Company (BOC) provision of interLATA services that the BOCs are otherwise authorized to provide—is the only one that resolves an apparent conflict with section 272(a) in a way that squares with the considered policy choice Congress made in imposing a separate affiliate requirement for BOC provision of in-region interLATA services.

EFFECTIVE DATE: August 6, 1997.

FOR FURTHER INFORMATION CONTACT: Lisa Choi, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted June 20, 1997, and released June 24, 1997. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc97–222.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M St., N.W., Suite 140, Washington, D.C. 20037.

Regulatory Flexibility Certification

The changes adopted in this Order do not affect our certification in the *First Report and Order* (62 FR 2927 (January 21, 1997)).

Synopsis of Order on Reconsideration

I. Introduction and Summary

1. In the *Non-Accounting Safeguards First Report and Order*, released on December 24, 1996, the Commission implemented the non-accounting safeguards provisions of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (Communications Act). These provisions generally prescribe the manner in which the Bell Operating Companies (BOCs) may enter certain new markets, including the in-region interLATA services market. In this *Second Order on Reconsideration*, we examine in greater depth the proper interpretation of one of these provisions, section 272(e)(4).

2. The BOCs' interpretation—that section 272(e)(4) is an affirmative grant of authority allowing a BOC to provide directly (*i.e.*, not through a separate affiliate) in-region interLATA services on a wholesale basis—presents an apparent conflict with section 272(a), which, in relevant part, *prohibits* a BOC from doing precisely this. Such conflict is only heightened by the requirement in section 272(b)(1) that a BOC and its separate affiliate must ''operate independently,'' which, as explained below, presupposes that the BOC may not provide any in-region interLATA services directly.

3. Confronting this apparent conflict, we conclude that our original interpretation—that section 272(e)(4) imposes requirements on BOC provision of interLATA services that the BOCs are otherwise authorized to provide—is the only one that resolves the conflict in a way that squares with the considered policy choice Congress made in imposing a separate affiliate requirement for BOC provision of in-region interLATA services. In the past, where courts and agencies have chosen to impose separate affiliate requirements on the BOCs for competitive services requiring local BOC facilities as an input, the defining feature of such requirements has always been a prohibition on providing such services on an end-to-end physically integrated basis, and for an obvious reason. It is precisely the provision of such services on an end-to-end physically integrated basis that gives rise to the concerns that separate affiliate requirements are intended to address. Our original interpretation of section 272(e)(4) preserves this essential prohibition, while the BOCs' interpretation, under which section 272(e)(4) is a grant of authority, eviscerates it. Our interpretation is bolstered by our view that it is exceedingly unlikely that Congress would have tucked away a fundamental grant of authority in section 272(e), which imposes obligations on the BOCs in response to requests from unaffiliated carriers. The thrust of section 272 is likewise to limit, not expand, BOC authority.

II. Statutory Framework

4. BOC entry into the in-region interLATA services market is governed by sections 271 and 272 of the Communications Act. Section 271(a) states that neither a BOC nor an affiliate ''may provide interLATA services except as provided in this section.'' Section 271(b) grants immediate authorization to a BOC or its affiliate to provide interLATA services originating outside of the BOC's in-region states (''out-of-region'' interLATA services) and to provide six specified ''incidental'' interLATA services. Section 271(f) explains that the prohibition in section 271(a) does not apply to any activities ''previously

authorized'' by the court that administered the AT&T Consent Decree.

5. With respect to interLATA services originating within a BOC's in-region states (''in-region'' interLATA services), 271(b) does not authorize immediate entry. Specifically, section 271(b)(1) states that a BOC or its affiliate may provide in-region interLATA services originating in a particular state if, and only if, the Commission formally approves the provision of such services pursuant to section 271(d)(3). Section 271(d)(3) approval for a particular state is generally designed to ensure that the BOC has taken sufficient steps to open its local exchange network in that state to competition. As explained in the *Non-Accounting Safeguards First Report and Order,* Congress recognized that section 271(d)(3) approval might be granted in a particular state before the local exchange market in that state became fully competitive. Congress thus enacted section 272 to respond to the concerns about anticompetitive discrimination and cost-shifting that arise when a BOC enters the interLATA services market in an in-region state in which the local exchange market is not yet fully competitive. As reflected in the title of section 272 (''Separate Affiliate; Safeguards''), Congress chose to respond to these concerns through the structural requirement of a separate affiliate. Thus, section 272(a)(1) provides that ''[a] Bell operating company (including any affiliate) * * * may not provide any service described in [section 272(a)(2)] unless it provides that service through one or more [separate] affiliates'' that operate independently of the BOC.

6. Section 272(a)(2) lists three kinds of services for which a separate affiliate is required: (a) Manufacturing services, (b) ''[o]rigination of interLATA telecommunications services'' other than out-of-region services, previously authorized services, and all but one of the six incidental services, and (c) ''[i]nterLATA information services'' other than electronic publishing services and alarm monitoring services. Thus, section 272(a)(2) requires a separate affiliate for the origination of all but three kinds of interLATA telecommunications services (out-of-region services, previously authorized services, and most incidental services) and all but two kinds of interLATA information services (electronic publishing services and alarm monitoring services).

7. As a general matter, the other provisions in section 272 define more precisely how structurally separate the BOC and its section 272 interLATA affiliate must be, and the terms of any relationship between the two. With regards to structural separation, the most significant provisions in section 272 are section 272(b)(1), which requires the separate affiliate to ''operate independently from the [BOC],'' section 272(b)(2), which requires it to keep ''separate'' books of account, and section 272(b)(3), which requires it to have ''separate officers, directors, and employees.'' With regard to the relationship between the BOC and its structurally separate affiliate, the most significant provisions are section 272(b)(5), which requires that any dealings between the two be conducted ''on an arm's length basis,'' ''reduced to writing,'' and made ''available for public inspection,'' and section 272(c)(1), which provides that in such dealings, a BOC ''may not discriminate between [the BOC] or affiliate and any other entity in the provision or procurement of goods, services, facilities, and information, or in the establishment of standards.''

8. Section 272(e), which is entitled ''Fulfillment of Certain Requests,'' contains four provisions, three of which impose particularized non-discrimination requirements pertaining to direct BOC provision of telephone exchange service and exchange access. Specifically, section 272(e)(1) states that a BOC ''shall fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such telephone exchange service and exchange access to itself or to its affiliates''; section 272(e)(2) states that a BOC ''shall not provide any facilities, services, or information concerning its provision of exchange access to [an] affiliate * * * unless such facilities, services, or information are made available to other providers of interLATA services in that market on the same terms and conditions''; and section 272(e)(3) states that a BOC ''shall charge the affiliate * * *, or impute to itself (if using the access for its provision of its own services), an amount for access to its telephone exchange service and exchange access that is no less than the amount charged to any unaffiliated interexchange carriers for such service.'' The fourth subsection, section 272(e)(4), is the subject of this order. As the Joint Explanatory Statement describes them, these provisions are ''[a]dditional requirements for the provision of interLATA services'' that are ''intended to reduce litigation by establishing in advance the standard to which a BOC entity that provides telephone exchange service or exchange access service must comply in providing interconnection to an unaffiliated entity.''

9. The final provision in the statutory framework governing BOC entry that bears mention is section 272(f), which provides, among other things, for the sunset of the separate affiliate requirement in section 272(a). With respect to ''interLATA telecommunications services'' in particular, 272(f) provides for sunset three years after grant of section 271(d)(3) approval, unless the Commission extends the three-year period by rule or order. For interLATA information services, the sunset period is four years after enactment of the Telecommunications Act of 1996 unless extended by rule or order.

10. In the *Non-Accounting Safeguards First Report and Order,* we implemented these and other provisions of section 272. In so doing, we explained that the structural and nondiscrimination requirements taken together were intended by Congress to effectuate the goal of preventing anticompetitive abuses by BOCs that control essential local facilities and seek to enter competitive markets that require these facilities as an input. More generally, we explained that:

> [o]ur task is to implement section 272 in a manner that ensures that the fundamental goal of the 1996 Act is attained—to open all telecommunications markets to robust competition—but at the same time does not impose requirements on the BOCs that will unfairly handicap them in their ability to compete. The rules and policies adopted in this order seek to preserve the carefully crafted statutory balance to the extent possible until facilities-based alternatives to the local exchange and exchange access services of the BOCs make those safeguards no longer necessary.

11. Of particular significance in the present context is the Commission's implementation of the ''operate independently'' requirement in section 272(b)(1). As discussed below, the Commission's implementation of the ''operate independently'' requirement is significant because while not in dispute in the instant proceeding, the fundamental policy issue that implementation addressed—the degree of permissible physical integration between the BOC's local network and the separate affiliate's interLATA network where the affiliate chooses to have such a network—overlaps considerably with the fundamental policy issue raised by the BOCs' proposed reading of section 272(e)(4), namely whether the BOC may own and operate an interLATA network within the local operating company itself and

thus provide interLATA services on a wholly integrated basis.

12. In the *Non-Accounting Safeguards First Report and Order,* we concluded that the ''operate independently'' requirement entails four important restrictions: (1) No joint BOC-affiliate ownership of switching and transmission facilities, (2) no joint ownership of the land and buildings on which such facilities are located, (3) no provision of operation, installation, or maintenance services by the BOC (or non-section 272 affiliate) with regards to the section 272 affiliate's facilities, and (4) no provision by the section 272 affiliate of operation, installation, or maintenance services with respect to the BOC's facilities. We determined that these restrictions are necessary to prevent the ''substantial integration'' of the BOC's local network and the affiliate's interLATA network where the affiliate chooses to have such a network. Such integration, we concluded, is the antithesis of genuine independent operation, for it creates the very dangers of discrimination and improper cost allocation that section 272 was designed to prevent. With respect to the possibility of discrimination, we explained that the non-discrimination requirements in sections 272(b)(5) and 272(c)(1) and elsewhere ''would offer little protection if a BOC and its section 272 affiliate were permitted to own transmission and switching facilities jointly.'' For example, ''[t]o the extent that a section 272 affiliate jointly owned transmission and switching facilities with a BOC, the affiliate would not have to contract with the BOC to obtain such facilities, thereby precluding a comparison of the terms of transactions between a BOC and a section 272 affiliate with the terms of transactions between a BOC and a competitor of the section 272 affiliate.'' Together, then, ''the prohibition on joint ownership * * * and the nondiscrimination requirements should ensure that competitors can obtain access to transmission and switching facilities equivalent to that which section 272 affiliates receive.'' With respect to the possibility of improper cost allocation, we explained that, ''[b]ecause the costs of wired telephone networks and network premises are largely fixed and largely shared among local, access, and other services, sharing of switching and transmission facilities may provide a significant opportunity for improper allocation of costs between the BOC and its section 272 affiliate.'' The specific concern with improper cost allocation in this context is that an undue proportion of these shared costs will be allocated to a BOC's local operations, which has two negative effects. First, assuming that the BOC is subject to a regulatory regime that links the local rates it can charge to its costs and that the local market is not fully competitive, such overallocation of costs would allow the BOC to overcharge its local ratepayers by providing local service at a high price that overestimates the true costs of that service. Second, an overallocation of costs to the BOC's local operations means an underallocation of costs to the affiliate's long-distance operations, which would allow the affiliate to undercut inefficiently its interexchange competitors by providing a long-distance service at a low price that underestimates the true costs of that service.

III. Background and Positions of the Parties

13. Section 272(e)(4) states that a BOC ''may provide any interLATA or intraLATA facilities or services to its interLATA affiliate if such services or facilities are made available to all carriers at the same rates and on the same terms and conditions, and so long as the costs are appropriately allocated.'' In the *Non-Accounting Safeguards First Report and Order,* the Commission rejected arguments that section 272(e)(4) is an affirmative grant of authority for BOCs to provide directly interLATA services on a wholesale basis, including in-region services. Rather, the Commission read section 272(e)(4) as a limitation of authority, that is, as imposing a non-discrimination and cost-allocation requirement on the provision of any interLATA or intraLATA facilities or services *that the BOC is otherwise authorized to provide.*

14. On February 11, 1997, Bell Atlantic and PacTel sought summary reversal of the Commission's interpretation of section 272(e)(4) in the United States Court of Appeals for the District of Columbia Circuit. The Commission responded, among other things, that some of the statutory arguments that these BOCs advanced before the court had not been clearly presented to the Commission, and thus that the Commission should have an opportunity, prior to judicial review, to reconsider on an expedited basis its interpretation in light of these arguments. On March 31, 1997, the court granted the Commission's request, and noted its expectation that the Commission would complete its reconsideration within 90 days (which is the timeframe the Commission had suggested). On April 3, 1997, the Common Carrier Bureau issued a Public Notice seeking comment on certain specific questions relating to section 272(e)(4). The pleading cycle closed on April 24, 1997.

15. Bell Atlantic, NYNEX, SBC (which, after the merger, includes PacTel), and BellSouth (hereinafter ''the BOCs'') filed joint comments and reply comments that largely track the arguments made by Bell Atlantic and PacTel in their pleadings before the Court of Appeals. The BOCs focus principally on what they regard as the plain language of section 272(e)(4). As noted above, section 272(e)(4) states in relevant part that a BOC ''may provide any interLATA * * * services to its interLATA affiliate if such services * * * are made available to all carriers * * * on the same [rates,] terms and conditions, and so long as the costs are appropriately allocated.'' In the BOCs' view, the phrase ''may provide'' is the language of a grant of authority. They also emphasize that what Congress decided the BOCs ''may provide'' is not just some interLATA services, but ''any'' such services.

16. The BOCs do recognize certain limits on this purported grant of authority. First, the BOCs effectively recognize that the grant of authority is limited to wholesale interLATA services, presumably because the only entities to which section 272(e)(4) contemplates the BOC providing interLATA services are ''its interLATA affiliate'' and ''all carriers''—not end-users—and because reading section 272(e)(4) as a grant of authority to provide *retail* interLATA services would render section 272's separate affiliate requirement for interLATA services utterly meaningless. They also recognize that any grant of authority in section 272(e)(4) is conditioned on the satisfaction of the non-discrimination and cost-allocation requirements plainly set forth in that provision. Lastly, given that section 271(b) requires section 271(d)(3) approval before a BOC may provide in-region ''interLATA services,'' a phrase that the BOCs agree includes wholesale as well as retail services, the BOCs concede that the section 271(d)(3) approval requirement must still be met before they may provide wholesale interLATA services to their affiliates and other carriers pursuant to section 272(e)(4). Nonetheless, in the BOCs' view, the ''may provide'' language in section 272(e)(4) compels the conclusion that that section is fundamentally a grant of authority to the BOCs to directly offer in-region interLATA services, whatever the limits on that grant.

17.To bolster their plain language argument, the BOCs further contend that

reading section 272(e)(4) as a grant of authority benefits long-distance consumers. The BOCs generally claim that, if permitted by the statute, they intend to design, build, and operate new facilities-based interLATA networks, as well as maintain existing ones such as their Official Services Networks. After they receive section 271(d)(3) approval to provide in-region interLATA services, the BOCs assert that they would use the authority granted by section 272(e)(4) to sell interLATA services that can be provided over these networks, on a wholesale basis, to their affiliates (as well as other carriers). The BOCs argue that placing the design, construction, and operation of their interLATA networks in the local operating companies in this way benefits long-distance consumers because the BOCs are able to achieve considerable efficiencies that in turn lead to lower long-distance rates. A Bell Atlantic affidavit submitted by the BOCs explains the source of these potential efficiencies:

> Bell Atlantic intends to place the construction, ownership and operation of its long-distance network in its operating telephone companies. * * * [T]he reason is simple. The telephone companies currently provide local exchange, exchange access, and short-haul (or 'intraLATA') long distance service. As a result, they already own some facilities, equipment and related support systems that can be used to provide both local and long-distance service. They also employ a skilled workforce that is trained in the construction, operation, installation and maintenance of telephone facilities and equipment, and that is capable of managing local and long distance facilities alike. Placing the construction and operation of long distance facilities (whether new or existing) in the operating telephone companies will allow us to make the most efficient use of these existing resources.

18. Ten parties, including the largest interexchange carriers, a trade association representing long-distance resellers, and two state commissions, filed comments and/or reply comments opposing the view that section 272(e)(4) is an affirmative grant of authority. These parties focus primarily on what they regard as the plain language of 272(a) and the flat prohibition they say it contains on direct BOC provision of all but a small, clearly specified subset of in-region interLATA services (e.g., five of the six incidental services) prior to the sunset of the separate affiliate requirement. Specifically, they focus on the phrases ''interLATA telecommunications services'' and ''interLATA information services'' in section 272(a)(2) and argue that both phrases plainly apply to wholesale as well as retail services—just as the more general phrase ''interLATA services'' in section 271 applies to both. Parties opposing the BOCs also focus on the clearly specified subset of interLATA services that are exempted from the separate affiliate requirement in section 272(a)—''out-of-region'' services, ''incidental'' services, ''previously authorized'' services, ''electronic publishing,'' and ''alarm monitoring''—and observe that ''wholesale'' services are not among them. They find it significant as well that the MFJ, which the section 271/272 framework replaces in relevant part, imposed an outright bar on BOC provision of interLATA services and in so doing, did not distinguish between retail and wholesale services. In light of the flat prohibition in section 272(a), the opponents of the BOCs conclude, the only sensible way to read section 272(e)(4) is solely as a nondiscrimination and cost-allocation requirement that limits the manner in which BOCs may provide interLATA services that they are otherwise authorized to provide, such as the interLATA services that fall into the subset of exceptions in section 272(a) and, when the separate affiliate requirements sunset, other interLATA services as well.

19. The opponents of the BOCs also dispute the claim that reading section 272(e)(4) as a grant of authority benefits consumers. Most broadly, they assert that the BOCs' vision of an '' 'integrated supplier' of local and long-distance services * * * is wholly disengaged from * * * [and] at war with'' the separate affiliate requirement in section 272. Section 272, they explain, was Congress' response to the traditional concerns for discrimination and improper cost allocation that arise precisely when a dominant carrier providing local exchange and exchange access services seeks to provide long-distance service on a physically integrated basis. More specifically, they emphasize that section 272 reflects Congress' fundamental decision to impose a *structural,* as opposed to a non-structural, solution in response to these concerns in the short-term.

20. Lastly, the opponents of the BOCs argue that, in a world in which section 272(e)(4) is a grant of authority, it would be extremely difficult to enforce the non-discrimination requirement. The Telecommunications Resellers Association (TRA), for example, complains that non-facilities-based interLATA resellers, who are the would-be rivals of the BOCs' interLATA affiliates, ''know all too well from their experience * * * that even the slightest preference or discrimination can be highly consequential in a fast-paced competitive market.'' Moreover, according to TRA, ''[g]iven the comprehensive interaction between a non-facilities-based resale carrier and its network service provider, the opportunities for preference or discrimination abound.'' TRA explains that resellers need equal treatment not only with respect to the general rates, terms, and conditions of service but also with respect to ''myriad operational support systems such as order provisioning, trouble resolution and billing.'' Along similar lines, facilities-based interLATA service providers such as AT&T and MCI complain that the BOCs will be able to ''customize'' the networks they build and the services they provide to be responsive to the needs of their interLATA affiliates. The principal point of such arguments appears to be that the difficulty of enforcing the non-discrimination requirement if we were to conclude that section 272(e)(4) is a grant of authority is one more reason to question whether Congress intended section 272(e)(4) to be such a grant of authority.

21. In response, the BOCs claim that any conflict between section 272(a) and section 272(e)(4) is ''wholly imaginary'' because section 272(a) merely establishes ''a general rule'' providing that the BOCs must provide certain services ''through'' an affiliate. The subsections that follow 272(a) then ''detail the conduct that Congress understood to be consistent with the general rule.'' Section 272(e)(4), they say, is one such provision. The BOCs claim the conflict is wholly imaginary also because one of the principal activities for which section 272(a) requires a separate affiliate is the ''[o]rigination of interLATA telecommunications services,'' and, in the BOCs'' view, the term ''origination'' describes a *retail* interLATA service. They argue that, ''[w]hen a BOC provides interLATA services to its affiliate under [section 272(e)(4)] * * *, it is not 'originating' interLATA services. Rather, it is the affiliate that 'originates' such services when its retail customers place interLATA calls.''

22. Alternatively, the BOCs claim that, even assuming there were a conflict between section 272(a) and section 272(e)(4), ''[u]nder well-established canons of statutory interpretation, the specific authorization contained in section 272(e)(4) would take precedence over the general language of section 272(a).''

23. In response to the argument that the BOCs' notion of an integrated supplier is ''at war with'' section 272, the BOCs contend that the separate affiliate requirement in section 272 was

not designed to prevent a BOC from providing interLATA service on a physically integrated basis; rather it was designed ''to make entirely transparent the dealings between an operating company and its interLATA affiliate.'' As for the traditional concerns about discrimination and improper cost allocation that arise where a BOC provides integrated service, the BOCs contend that any such concerns that Congress may have had in enacting section 272 exist only where the BOC has incentives to engage in discrimination and cost shifting. According to the BOCs, the wholesale provision of interLATA services pursuant to section 272(e)(4) does not create such incentives because of the requirement that any wholesale interLATA services the BOC provides to its affiliate must be made available to any other carrier on the same rates, terms, and conditions. The BOCs assert that this requirement effectively eliminates any incentives to engage in discrimination or improper cost allocation because, according to the BOCs, any advantage the BOC would gain from engaging in such conduct could not be captured by the affiliate alone. Rather, the advantages would necessarily be offered to all carriers.

IV. Discussion

24. As an initial matter, we agree with the BOCs to this extent: the phrase ''may provide'' in section 272(e)(4), *if viewed in isolation*, could reasonably be read as a grant of authority. Thus, standing alone without reference to any other statutory provision, section 272(e)(4) could reasonably be read to allow a BOC to provide directly any interLATA services, including in-region services, to its affiliate so long as it does so in conformity with the non-discrimination and cost allocation requirements in that provision.

25. But section 272(e)(4) cannot be viewed in isolation; it must be read in conjunction with other provisions to which it is integrally related. And a thorough analysis of sections 271 and 272 confirms our view that section 272(e)(4) is not an independent grant of authority for the BOCs to provide wholesale interLATA services on an unseparated basis. We conclude first that section 272(a), in relevant part, *prohibits* the BOCs from doing precisely what the BOCs claim section 272(e)(4) authorizes them to do. Specifically, section 272(a) prohibits the BOCs, after obtaining section 271(d)(3) approval and until sunset of section 272's requirements, from providing directly most in-region interLATA services, including wholesale services, except through a separate affiliate. We thus confront an apparent conflict between section 272(a) and section 272(e)(4). In so doing, we further conclude that the only plausible construction of either provision that reconciles the apparent conflict and serves the core purposes for which Congress imposed a separate affiliate requirement is a construction of section 272(e)(4) according to which it is a non-discrimination requirement—a requirement that is similar in function, not surprisingly, to the non-discrimination requirements that appear in sections 272(e)(1), 272(e)(2), and 272(e)(3). The BOCs' reading of section 272(e)(4), by contrast, fails to serve such purposes and further, requires us to believe that Congress intended to tuck away a fundamental grant of authority in section 272(e). In these respects and others, our analysis indicates that the interpretation proffered by the BOCs is unpersuasive.

26. We find unconvincing the reasons advanced by the BOCs in support of their claim that the separate affiliate requirement in section 272(a) can reasonably be read to refer only to retail services. As summarized above, the BOCs first seek to justify this reading of the statute on the ground that section 272(a) establishes a ''general'' rule and that that general rule is necessarily read to refer only to retail services because that is the reading that makes the general rule consistent with the apparent grant of authority in section 272(e)(4) to provide wholesale services. There is nothing ''general,'' however, about the separate affiliate requirement in section 272(a) with respect to the interLATA services that are covered by that requirement. In particular, section 272(a)(1) states that a BOC may not provide ''any service *described in [section 272(a)(2)]*'' unless it provides ''*that* service'' through an affiliate. Section 272(a)(2) then specifies precisely ''[t]he services for which a separate affiliate is required,'' namely, manufacturing activities, the origination of interLATA telecommunications services (with three exceptions), and interLATA information services (with two exceptions). Thus, the scope of section 272(a)'s separate affiliate requirement appears plainly to be fleshed out by section 272(a)(2), not by *subsequent* provisions in section 272 such as section 272(e)(4).

27. This last point also serves as a complete response to the BOCs' persistent emphasis on the word ''through'' in section 272(a)(1). In the BOCs'' view, section 272(a)(1) does not categorically prohibit a BOC from providing directly the services listed in section 272(a)(2); rather, section 272(a)(1) says that the BOC may not provide such services unless ''it,'' the BOC, provides such services ''through'' an affiliate. And, in the BOCs'' view, ''one of the most natural ways'' for a BOC to provide such services ''through'' an affiliate is to provide them to an affiliate, on a wholesale basis, and then to have the affiliate resell the services on a retail basis. As an initial matter and as explained in more detail below, in the context of past separate affiliate requirements that have been imposed on the BOCs for the provision of competitive services that require local BOC facilities as an input, there is nothing ''natural'' about the BOCs' proposed wholesale/retail framework, which would allow the BOCs to provide interLATA services on a fully integrated basis. Such requirements, where a court or agency has chosen to impose them, have never allowed such integration of local BOC facilities and the extra facilities necessary to provide the competitive service at issue. In any event, whether ''natural'' or not, providing integrated interLATA services ''through'' a BOC affiliate by providing such services *to* the affiliate cannot be squared with the language of section 272(a)(2). As demonstrated above, section 272(a)(2) includes the exclusive list of services that a BOC must provide ''through'' an affiliate. That list includes ''interLATA telecommunications services'' and ''interLATA information services,'' which—as demonstrated immediately below—plainly include wholesale as well as retail services. Thus, it is clear that section 272(a) requires the BOCs to provide wholesale interLATA services ''through'' an affiliate, just as it requires them to provide retail interLATA services ''through'' an affiliate.

28. The BOCs' other basis for reading section 272(a) to refer only to retail services rests on the use of the term ''[o]rigination'' in the phrase ''[o]rigination of interLATA telecommunications services'' in section 272(a)(2). As explained above, the BOCs assert that, ''[w]hen a BOC provides interLATA services to its affiliate under [section 272(e)(4)], * * * it is not 'originating' interLATA services. * * * [I]t is the affiliate that 'originates' such services when its retail customers place interLATA calls.'' Significantly, however, the BOCs do not offer any dictionary definition of ''origination,'' nor a definition drawn from any other authoritative source, that supports their particular understanding of the term. Rather, they argue that the term ''origination'' derives its meaning from the context of section 272. Although we

agree that the term must be understood in its proper context, the difficulty with the BOCs' position is that they simply *assert,* without explanation, that the proper context is ''the specific activity of providing interLATA services to . . . customers,'' *i.e.,* providing retail interLATA services. In contrast, sections 271 and 272 indicate that Congress was almost certainly using the term ''origination'' in section 272(a)(2) in a geographical sense.

29. Specifically, it is far more likely that, by requiring a separate affiliate for ''[o]rigination of interLATA telecommunications services,'' Congress simply meant to clarify that a separate affiliate is required for certain interLATA telecommunications services *as judged by the point of origination of such services.* Such a clarification might have been considered helpful in light of the fact that, as noted above, one of the exceptions to the separate affiliate requirement for ''[o]rigination of interLATA telecommunications services'' is for ''out-of-region'' services, that is, services for which the point of origination is outside a BOC's in-region states. This out-of-region versus in-region distinction is one of the fundamental distinctions in section 271; section 271 permits immediate entry for the former, but requires section 272(d)(3) approval for the latter. It is therefore only natural that Congress would have wanted to maintain—and did maintain—that same distinction in the separate affiliate requirement in section 272. Further, this view of ''origination'' in section 272(a)(2) appears to be consistent with the *absence* of that term with respect to ''interLATA information services.'' Because Congress failed to include an ''out-of-region'' services exception with respect to interLATA information services, a separate affiliate is required for such services regardless of their point of origination.

30. The legislative history supports our view that the term ''origination'' was meant merely as a helpful clarification. It appears that the term ''origination'' was not part of either the Senate or the House version of section 272(a), but was added during the reconciliation conference. For example, the Senate version of section 272(a), which was the template for the final version, stated, ''The services for which a separate subsidiary is required * * * are: (A) Information services * * * (B) Manufacturing services * * * (C) InterLATA services.* * *'' Thus, both houses of Congress passed versions of section 272(a) in which the separate affiliate requirement, even the BOCs would have to agree, clearly applied to both retail and wholesale interLATA services. The explanation in the Joint Explanatory Statement of the Senate version of section 272 confirms this. It describes the services for which a separate affiliate is required as including ''interLATA telecommunications services,'' without the term ''origination'' preceding it and without any indication of a wholesale/retail distinction. Thus, to accept the BOCs' argument, one would have to conclude that the addition of the term ''origination'' during the conference reflected Congress' decision to reject the broad consensus that had been reached on the scope of the separate affiliate requirement and to cut back on it significantly by limiting the requirement to retail service offerings that originate within the BOC's service territory. If this were the case, one would expect, at a minimum, some discussion of such a decision in the legislative history, but we have found no such discussion, and the parties have not pointed to any. The Joint Explanatory Statement, for example, is silent on the issue. Rather, the explanation in the Joint Explanatory Statement of the final version of section 272 simply states, ''The conference agreement adopts the Senate provisions with several modifications,'' and then goes on to discuss the major changes that occurred, without mentioning the addition of ''origination.''

31. Moreover, equating the ''origination'' of a service with the retail provision of that service appears to lead to unlikely results in two respects. First, as just noted, the term ''origination'' does not precede the other main category of interLATA service for which a separate affiliate is required, namely, interLATA information services. Under the BOCs' reading of the statute, then, in-region wholesale interLATA information services would still generally require a separate affiliate, while in-region wholesale interLATA telecommunications services would not. Yet Congress treated these two kinds of in-region interLATA services identically for section 271 purposes, requiring section 271(d)(3) approval for both. The BOCs have not advanced any plausible rationale for why Congress would have treated them fundamentally differently for section 272 purposes.

32. Second, equating the ''origination'' of a service with the retail provision of that service also appears to lead to unlikely results because of the interplay between sections 271(a) and 271(b). Section 271(a) bars BOC provision of ''interLATA services''—which, as noted above, the BOCs agree include wholesale services—''except as provided in this section.'' Section 271(b) then authorizes, on various timetables, ''interLATA services originating in any of [a BOC's] in-region States,'' ''interLATA services originating outside its in-region States,'' and certain ''incidental interLATA services * * * originating in any State.'' If the term ''origination'' in section 272(a)(2) refers only to the provision of retail interLATA services, then the references to ''originating'' in section 271(b) would also appear to refer to retail interLATA services. Consequently, under the BOCs' reading of the statute, section 271(a) bars a BOC from providing wholesale interLATA services, but no provision of section 271(b) authorizes the BOCs to provide these services, including out-of-region and incidental wholesale services. Thus, we conclude that a carrier ''originat[es]'' an in-region interLATA service in a particular state when it provides in-region interLATA service regardless of whether it provides that service on a wholesale or a retail basis.

33. We note that, during the proceeding that resulted in the *Non-Accounting Safeguards First Report and Order,* certain of the BOCs advanced a different argument as to why the language of section 272(a) does not cover wholesale services: that the phrase ''telecommunications services'' itself—statutorily defined as ''the offering of telecommunications for a fee directly to the public, * * * regardless of the facilities used''—covers only retail services. Proponents of this interpretation contended that wholesale telecommunication services are not offered directly to ''the public,'' but only to other carriers. In the *Non-Accounting Safeguards First Report and Order,* the Commission addressed this argument at length and rejected it primarily on the ground that it could find no basis in the statute, legislative history, or FCC precedent for finding the reference to ''the public'' in the statutory definition to be intended to exclude wholesale telecommunications services. Rather, the Commission concluded that the phrase ''the public'' was meant only to exclude private carriage services, as opposed to common carrier services. While the BOCs have not pressed this particular argument before the court or before the Commission on reconsideration, Omnipoint has pressed a variant of it in response to the Bureau's request for comments on the scope of section 272(e)(4).

34. In providing wireless service, Omnipoint explains that it often needs transport services that cross LATA boundaries and that it could deliver a more efficient wireless service if it

could use the BOCs' interLATA transport facilities, such as the existing transport facilities that are part of the BOCs' Official Services Networks, rather than build its own interLATA transport facilities or lease the interLATA transport facilities of existing interLATA service providers (facilities which Omnipoint says are inconveniently located for its purposes). Its principal legal argument is that our conclusion in the *Non-Accounting Safeguards First Report and Order* that the phrase ''telecommunications services'' covers all wholesale (as well as retail) telecommunication services was ''overly broad'' and that it should be construed to exclude at least one kind of wholesale arrangement, carrier-to-carrier leasing of high-capacity private lines. We find no basis in the statutory definition of ''telecommunications services,'' however, for concluding that this kind of wholesale arrangement, as opposed to all other kinds, falls outside that definition.

35. In providing wireless service, Omnipoint explains that it often needs transport services that cross LATA boundaries and that it could deliver a more efficient wireless service if it could use the BOCs' interLATA transport facilities, such as the existing transport facilities that are part of the BOCs' Official Services Networks, rather than build its own interLATA transport facilities or lease the interLATA transport facilities of existing interLATA service providers (facilities which Omnipoint says are inconveniently located for its purposes). Its principal legal argument is that our conclusion in the *Non-Accounting Safeguards First Report and Order* that the phrase ''telecommunications services'' covers all wholesale (as well as retail) telecommunication services was ''overly broad'' and that it should be construed to exclude at least one kind of wholesale arrangement, carrier-to-carrier leasing of high-capacity private lines. We find no basis in the statutory definition of ''telecommunications services,'' however, for concluding that this kind of wholesale arrangement, as opposed to all other kinds, falls outside that definition.

36. US WEST, like the other BOCs, does not dispute that the statutory definition of ''telecommunications services'' applies to wholesale telecommunications services. It merely observes that the statutory definition does not cover *all* telecommunications-like services—most significantly, it does not include private carriage services—and that the BOCs should be able to provide directly any service that falls outside that definition. With the important reminders that (1) wholesale telecommunications services are one kind of telecommunications-like services that, as just noted, does *not* fall outside that definition, and (2) the separate affiliate requirement also applies to in-region interLATA information services, we have no objection to this observation. In this regard, however, we note our serious doubts whether there is any interLATA service that a BOC might seek to provide to its affiliate that could be properly characterized as a private carriage service, given that the BOC would be under a legal obligation pursuant to sections 272(c)(1) and 272(e)(4) to make such service available to any other entity—a hallmark of a common carrier service.

37. Firmly bolstering our view that nothing in section 272(a)(2) suggests a wholesale/retail distinction—not ''origination,'' not ''telecommunication services,'' and not any other term or phrase—is the fact that section 251(c)(4) demonstrates that, when Congress means to create an important wholesale/retail distinction, it does so clearly, a point we emphasized in the *Non-Accounting Safeguards First Report and Order.* Section 251(c)(4) imposes a duty on incumbent local exchange carriers to offer for resale at wholesale rates ''any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers.'' Moreover, section 272(a)(2) sets out quite specifically the three kinds of services for which a separate affiliate is required and the exceptions to each kind of service. Congress' attention to detail in this respect makes the lack of any straightforward textual indication of a wholesale/retail distinction in section 272 all the more telling. In sum, we reject the BOCs' assertion that section 272(a) prohibits a BOC from offering directly to customers only retail interLATA services originating in-region.

38. We think that section 272(b)(1), which requires the separate affiliate to ''operate independently'' of the BOC, provides independent support for the fact that Congress did not intend the BOCs to provide in-region interLATA services, on a wholesale basis, to their affiliates and other carriers. To allow the BOCs to provide such services would be to allow them to place the design, construction, and operation of their interLATA facilities in their local operating companies and thus to provide their wholesale in-region interLATA services over a uniquely integrated local-interLATA network. As explained above, however, we concluded in the *Non-Accounting Safeguards First Report and Order* that section 272(b)(1) was principally designed to prevent substantial integration of the local operating company's local network facilities and the separate affiliate's long-distance network facilities (assuming the affiliate chooses to be a facilities-based provider rather than a reseller). And such a conclusion plainly presupposes that Congress did not intend that local and interLATA facilities could be integrated within the local operating company itself. For what purpose could Congress have had in prohibiting physical integration of the local operating company's local facilities and the affiliate's interLATA facilities if complete physical integration of local and interLATA networks within the local operating company itself would be permitted regardless?

39. Having concluded that section 272(a), reinforced by section 272(b)(1), prohibits in relevant part precisely what the BOCs claim section 272(e)(4) authorizes, we now address the BOCs' alternative arguments regarding the proper interpretation of section 272(e)(4). As summarized above, the BOCs contend that, even assuming *arguendo* we were to find an apparent conflict between sections 272(a) and 272(e)(4), under the well-established canon of construction, the more specific provision overrides the more general provision. Even assuming *arguendo* that this canon were applicable, however, it is far from clear that section 272(e)(4) should be considered the more specific provision and section 272(a) the more general. While there are certain respects in which section 272(e)(4) is the more specific provision, there are also certain respects in which section 272(e)(4) is the more general. For example, one could reasonably view section 272(e)(4) as the more general provision because that section, under the BOCs' reading of it, constitutes a broad grant of authority to provide directly, on a wholesale basis, any interLATA services, any interLATA facilities, any intraLATA services, and any intraLATA facilities, whereas section 272(a) is a circumscribed limitation on that broad grant that requires that, out of the entire universe of interLATA or intraLATA facilities or services that a BOC is purportedly authorized to provide directly, certain such services—specifically, manufacturing activities, interLATA telecommunications services (with three exceptions), and interLATA information services (with two

exceptions)—be provided through a separate affiliate.

40. It is also far from clear why, if we were to conclude that section 272(e)(4) overrides section 272(a), we would not have to conclude that it also overrides section 271(a), thus permitting the BOCs to provide any wholesale interLATA services immediately, before section 271(d)(3) approval—a result, as mentioned above, the BOCs disavow. In this regard, the BOCs' attempt to distinguish section 271(a) and section 272(a) is unpersuasive. Specifically, they argue that section 271(a) does not give way to section 272(e)(4) because section 271(a) states that a BOC may not provide interLATA services ''except as provided in this section,'' and section 272(e)(4) is not ''in this section.'' Yet, as explained above, we think the text of section 272(a) directs equally clearly that the services for which a separate affiliate is required, along with any exceptions, are to be found in section 272(a)(2) and only that provision, not in subsequent provisions of section 272 such as section 272(e)(4).

41. In any event, we find that the canon the BOCs seek to invoke is not applicable in this instance, at least not in the way in which the BOCs have described it. The canon that ''the specific governs the general'' only applies where the conflict between the statutory provisions is inescapable, that is, where there is no *plausible* construction of either provision that allows the conflict to be reconciled. This is for good reason, for the application of the canon where there is no such construction presupposes that Congress has contradicted itself—a position that should be adopted only as a last resort. Thus, we are obliged to determine whether there is a plausible construction of either section 272(a) or 272(e)(4) that allows us to reconcile the apparent conflict, making sense of both provisions and serving the purposes of the statute to the greatest extent possible.

42. We are doubtful that there is any plausible construction of section 272(a) that would allow us to reconcile the apparent conflict and adopt the BOCs' reading of section 272(e)(4). As discussed at length above, the BOCs' characterization of section 272(a) as a ''general'' rule, to be given content by the subsequent subsections of section 272, cannot be sustained in light of that rule's clear directive to look specifically to the list of services in section 272(a)(2). Moreover, the BOCs' interpretation of ''origination'' as referring to the provision of interLATA services to retail customers who place interLATA calls does not appear to have any basis in the common usage of that term and appears to lead to unlikely results. The only other possible construction would be to add to the list of exceptions in section 272(a)(2) a ''wholesale services'' exception. While there may be situations where it is defensible to read an exception into a statute in order to reconcile an otherwise irreconcilable statutory conflict, that seems inappropriate where, as here, Congress explicitly focused on the issue of exceptions and prescribed a specific list. Buttressing this point is the fact that the Senate version of section 272 would have expressly authorized the Commission to grant exceptions to the separate affiliate requirement, but that provision was dropped by the conferees.

43. By contrast, we conclude that there is a plausible construction of section 272(e)(4) that reconciles the apparent conflict with section 272(a) and does so in a way that is uniquely consistent with the specific policy choice that Congress made in enacting the separate affiliate requirement. Specifically, as we previously concluded in the *Non-Accounting Safeguards First Report and Order*, we construe section 272(e)(4) to mean that the BOC may provide any interLATA or intraLATA facilities or services *it is otherwise authorized to provide* to its interLATA affiliate if such services or facilities are made available to all carriers at the same rates and on the same terms and conditions, and so long as the costs are appropriately allocated. Thus, in our view, section 272(e)(4) is not a grant of authority; it merely prescribes the manner by which BOCs may provide interLATA and intraLATA facilities and services to their affiliates.

44. We believe this construction of section 272(e)(4) does not have any of the defects alleged by the BOCs that might render the construction implausible. First, our reading gives effect to all of the statute's existing terms, including the key terms ''may provide'' and ''any'' on which the BOCs rely; our interpretation just does not read these terms as effectuating a grant of authority.

45. Second, our interpretation does not render section 272(e)(4) meaningless or redundant. Far from it, the provision serves precisely the same function as the other three provisions in section 272(e). As explained above, section 272(c)(1) imposes a general non-discrimination requirement on the BOCs in their dealings with affiliates. In order ''to reduce litigation,'' however, Congress, in section 272(e), set forth more particularized non-discrimination requirements tailored to specific contexts. Section 272(e)(1), for example, sets forth a non-discrimination requirement with respect to the time in which a BOC fulfills requests for local exchange or exchange access service. Similarly, section 272(e)(4) sets forth a non-discrimination requirement with respect to the provision of interLATA or intraLATA facilities and services that a BOC is otherwise authorized to provide—services such as out-of-region services, five of the six incidental services, previously authorized activities, and perhaps most importantly, all other interLATA services as the separate affiliate requirements expire.

46. In light of the similar function that section 272(e)(4), under our reading, serves in relation to the other three provisions of section 272(e), our reading also draws support from the well-established canon of construction that statutory provisions are to be construed in light of the company they keep. Our interpretation of section 272(e)(4) is also consistent with the overriding focus of section 272 generally. As both the text of section 272 and the descriptions of the provision in the legislative history make clear, section 272 primarily establishes structural separation requirements and other safeguards applicable to the BOCs' provision of interLATA and other services that the BOCs are elsewhere authorized to provide (in section 271, for the most part). In contrast, the BOCs' proposed reading of section 272(e)(4) as a grant of authority is flatly inconsistent with the thrust of section 272(e) in particular and section 272 in general. It seems unlikely enough that Congress would have placed a fundamental grant of authority to the BOCs in section 272, the thrust of which, as just noted, is to prescribe the manner in which the BOCs may enter certain new markets; but it seems utterly implausible that Congress would have placed such a grant in section 272(e) as the fourth subsection of a provision entitled ''Fulfillment of Certain Requests,'' following three other subsections that all impose restrictions on the BOCs.

47. We recognize that our preferred interpretation of section 272(e)(4) does not give this provision the great significance the BOCs' interpretation does. We think this fact weighs in favor of our interpretation, however, because judging from the legislative history, Congress did not appear to regard section 272(e)(4) as a particularly significant provision, just as it did not appear to attach great significance to the addition of the term ''origination'' in section 272(a). Specifically, section 272(e)(4) was introduced as part of a

lengthy managers' amendment to the Senate version of section 272. Significantly, the amendment as a whole was described merely as ''mak[ing] certain technical corrections.'' Moreover, at no point during the discussion of the managers' amendment was there any specific discussion of section 272(e)(4) or its impact. Nor does there appear to have been any such discussion of this provision at any later point in the legislative history. The absence of any discussion on the measure would seem highly unlikely, however, if section 272(e)(4) were really intended to be a fundamental grant of authority as the BOCs claim.

48. Finally, and most importantly, we think our interpretation is not only a plausible construction of the text, but also the only construction that can be squared with the considered policy choice Congress made in imposing a separate affiliate requirement for in-region interLATA services. For many years, until the passage of the Telecommunications Act of 1996, a well-known regulatory debate took place—in the federal courts, in the Department of Justice, in the Commission, and among industry groups, antitrust law experts, and economists—regarding the wisdom of allowing the BOCs, as regulated entities that control the bottleneck facilities of the local network, to provide services in potentially competitive markets that require these bottleneck facilities as an essential input of such services. Examples of such services include interLATA services, which are provided by connecting a BOC's local bottleneck facilities to interLATA facilities, enhanced services, which are provided by connecting the BOC's local facilities to computer facilities, and wireless services, which are provided by connecting the BOC's local facilities to wireless facilities. Certain parties in this debate emphasized the anti-competitive dangers that arise if the BOC is permitted to provide such services on a physically integrated basis. That is, they emphasized the dangers that arise if the BOC is allowed to place the design, construction, and operation of the non-local facilities at issue—such as interLATA facilities in the case of interLATA services, computer facilities in the case of enhanced services, or wireless facilities in the case of wireless services—in the local operating company. For example, with respect to interLATA services, these parties were concerned that a BOC, if permitted to provide such services on an integrated basis, would have the ability and incentive to arrange more efficiently designed, higher quality connection between its local network and its interLATA facilities than between its local network and rivals' interLATA facilities. They were also concerned that a BOC might take the common costs of the facilities (and employees) that are jointly used to provide both local and interLATA service and allocate, on its books of account, an undue proportion of such costs to its local operations. As suggested above, such improper cost allocation would allow the BOCs to overcharge local service ratepayers while at the same time inefficiently undercut their interexchange competitors. On the other side of the debate, the BOCs emphasized the significant integrative efficiencies that result from being able to have the same facilities (and employees) that are used in the design, construction, and operation of their local networks used in the design, construction, and operation of their interLATA networks. And they also disputed that service on a physically integrated basis raises the anti-competitive dangers described above. The MFJ bar on the provision of interLATA services, which preceded the section 271/272 framework, clearly reflected a judgment that the dangers were serious and outweighed any benefits.

49. There was a related well-known debate during these years over the wisdom of requiring the BOCs, in the event they were to be permitted to provide competitive services that require the BOCs' local facilities as an input for such services, to do so through a separate affiliate. For certain such services such as wireless services, the Commission decided, precisely because of the anti-competitive dangers described above, that a separate affiliate would generally be required. With respect to the provision of interLATA services on a non-dominant basis by local exchange carriers other than the BOCs (which were not covered by the MFJ), the Commission decided the same. For other services such as enhanced services, the Commission originally determined that a separate affiliate would be required, but subsequently decided that non-structural safeguards would suffice. The particulars of these decisions is not the point here, however. Rather, the key point is that, as reflected in these and other similar court and agency decisions, both sides in these separate affiliate debates, as well as the decisionmakers who resolved them at various points, shared a common assumption about what was fundamentally at stake in such debates, namely, whether the BOCs could provide the competitive service at issue on an end-to-end, physically integrated basis. Thus, for example, in the many years of debate over the wisdom of a separate affiliate requirement for enhanced services, it was uniformly assumed that what was at issue was the BOCs' right to place the design, construction, and operation of the computer facilities necessary to furnish enhanced services—the computer hardware, the databases, etc.—in the local operating company and thus to provide such services on an end-to-end, physically integrated basis.

50. In any event, in enacting sections 271 and 272 of the Telecommunications Act of 1996, Congress ended the debate with respect to interLATA services and decided the issue legislatively. With respect to in-region interLATA services in particular, the section 271/272 framework permits the BOCs to provide such services once they obtain section 271(d)(3) approval, but they have to do so, at least initially, through a separate affiliate. And as noted above, we are not at liberty to depart from that decision during the period in which the statutory separate affiliate requirements are in effect.

51. The BOCs respond that Congress' decision to impose a separate affiliate requirement did not necessarily include the decision to preclude a BOC from providing in-region interLATA service on a physically integrated basis, that is, from placing the design, construction, and operation of interLATA network facilities in the local network operating company. Rather, in their view, the separate affiliate requirement is designed merely ''to make entirely transparent the [wholesale] dealings between an operating company and its interLATA affiliate,'' and is entirely agnostic on whether the service ultimately being provided by the BOC to the affiliate and being sold by the affiliate to end users is a uniquely integrated one. Yet, as discussed above, a bar on the integration of a BOC's local facilities and the additional BOC facilities necessary to provide competitive services such as interLATA services has always been understood by courts and agencies, and the lawyers and economists arguing before them, as the *sine qua non* of a separate affiliate requirement, and we presume that Congress chose to impose a separate affiliate requirement in section 272 with that long-held common understanding in mind. And we presume this for good reason. Again as explained above, the concerns for discrimination and improper cost allocation that have

always been understood as the justification for the imposition of a separate affiliate requirement are most present where interLATA services are being provided on an integrated basis.

52. Indeed, were we to conclude that the BOCs were permitted to provide interLATA services on an integrated basis, it is hard to understand why Congress would choose to require that a separate affiliate ''operate independently'' of the BOC, or more importantly, why it would choose to require a separate affiliate at all. To be sure, as the BOCs explain, a separate affiliate also forces the dealings between the operating company and interLATA affiliate to be ''entirely transparent.'' But the only dealings that would take place between the operating company and the separate affiliate under the BOCs' vision of an integrated supplier are the typical dealings that take place between a facilities-based interLATA service provider and a reseller, that is, dealings related to the pricing, ordering, and billing of the facilities-based provider's interLATA services. And the possibility of discrimination in the wholesale pricing, ordering, and billing of interLATA services, by itself, has never been thought to justify, so far as we are aware, the imposition of a separate affiliate requirement in an analogous context. It is not surprising, then, that we are also not aware of a separate affiliate requirement in any analogous context, statutory or regulatory, past or present, in which a BOC or similarly regulated entity has been permitted to provide facilities-based integrated service to the separate affiliate, so long as it does not also sell the service to end users.

53. The BOCs also argue that, even assuming that Congress, in enacting section 272, was generally concerned with the risks of discrimination and improper cost allocation that arise with the provision of facilities-based integrated service, such risks are insubstantial in light of the non-discrimination requirement in section 272(e)(4) (even under their reading of it as a grant of authority) that bars a BOC from advantaging its interLATA affiliate. They observe that Congress viewed the risk of discrimination and improper cost allocation as problematic only where the BOCs possess not only the ability to engage in such conduct, but also the *incentive.* In this case, the BOCs argue, the non-discrimination requirement in section 272(e)(4) removes any ''conceivable incentive'' they might otherwise have to engage in prohibited conduct in the provision of wholesale interLATA services.

54. As an initial matter, we do not think that the presence of a non-discrimination requirement would remove a BOC's incentive to advantage its affiliate, given, among other things, the numerous practical difficulties in enforcing such a requirement. But even assuming *arguendo* that it would diminish the BOC's incentive to some extent, the BOCs' argument here cannot withstand scrutiny. As explained above, in a world in which section 272(e)(4) is a grant of authority, the affiliate would be acting as a reseller that purchases finished wholesale interLATA services from a facilities-based interLATA service provider, i.e., the BOC. Thus, the only incentive the presence of a non-discrimination requirement would diminish is the incentive of the local operating company to discriminate in the pricing, ordering, and billing of wholesale interLATA services in favor of the affiliate. Any benefits of this kind of unlawful conduct could not be captured entirely by the affiliate but would have to be shared. But the non-discrimination requirement certainly would not diminish the local operating company's more serious incentive to discriminate in the internal design, construction, and operation of interLATA networks in favor of itself (concern for which, as just explained, has always been the primary justification for separate affiliate requirements in this area) and at the expense of its rival facilities-based interLATA service providers. Any benefits of this kind of unlawful conduct could be captured entirely by the local operating company when it sells finished wholesale interLATA services to its affiliate and other resellers. In this regard, we find it significant that the BOCs claim that '' 'there is no possibility that a BOC could *use* its supply of wholesale interLATA services to its affiliate to impede competition in the retail market.' '' They make no similar claim about the possibility that a BOC could impede competition in the way it *creates* that supply. Thus, because it is clear that, with respect to the design, construction, and operation of interLATA networks, the BOCs have the ability *and* incentive to engage in the very core prohibited conduct that Congress was concerned about when it made its policy choice to require separate affiliates, that choice is controlling.

55. Finally, our conclusion that section 272(e)(4) is not a grant of authority serves as a complete response to the BOCs' arguments regarding use of their in-region, interLATA Official Services Networks. In the *Non-Accounting Safeguards First Report and Order,* we noted that a BOC is permitted to ''transfer ownership'' of its Official Services Network to its affiliate (so long it did so in a way that gave other carriers an equivalent opportunity to obtain ownership). We did not offer any discussion of the issue, however, because there was no indication in the record before us that transferring ownership of these Networks to affiliates was something that the BOCs seek to do. As a Bell Atlantic affidavit filed in response to our expedited reconsideration of section 272(e)(4) notes, these networks are ''currently used in the operation of the local telephone network'' and thus their ownership ''realistically cannot be transferred.'' Rather, the BOCs seek to maintain ownership of their interLATA Official Services Networks and lease excess capacity on the networks to their affiliates. The leasing of capacity on an in-region interLATA network is plainly an in-region interLATA service, however. And, as we conclude in this *Second Order on Reconsideration,* because section 272(e)(4) is not a grant of authority, a BOC may not directly provide in-region interLATA services until the separate affiliate requirement is removed.

V. Conclusion

56. For the reasons stated, we find that the most sensible interpretation of section 272(e)(4) is that it is a non-discrimination and cost allocation requirement that applies to interLATA services that the BOC is otherwise authorized to provide; it is not an affirmative grant of authority to provide integrated interLATA services on a wholesale basis. In so finding, we emphasize that Congress did not ignore, nor have we, the integrative efficiencies that may result when the same people and facilities of a BOC that provide local service provide interLATA service as well. Indeed, by providing for the sunset of the separate affiliate requirement within three years of BOC entry (for telecommunications services) unless the Commission acts otherwise, Congress envisioned that there may well come a point when the benefits of such efficiencies come to outweigh any risk of anti-competitive harm due to discrimination and improper cost allocation such that consumers are better off. In this respect, the BOCs' emphasis on these benefits is not misguided; it is merely premature.

VI. Ordering Clauses

57. Accordingly, it is Ordered that, pursuant to sections 1–4, 201–205, 214,

251, 252, 271, 272, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151–154, 201–205, 214, 251, 252, 271, 272, and 303(r), the Second Order on Reconsideration in CC Docket No. 96–149 is Adopted.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17647 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–38; RM–8971]

Radio Broadcasting Services; Weston, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 240A to Weston, Idaho, as that community's first local aural transmission service in respone to a petition filed by West Wind Broadcasting. See 62 FR 5788, February 7, 1997. Coordinates used for Channel 240A at Weston are 42–02–18 and 111–58–48. With this action, the proceeding is terminated.

DATES: Effective August 4, 1997. The window period for filing applications for Channel 240A at Weston, Idaho, will open on August 4, 1997, and close on September 4, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 240A at Weston, Idaho, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–38, adopted June 11, 1997, and released June 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Weston, Channel 240A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–17567 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–62; RM–9008]

Radio Broadcasting Services; Orofino, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 253A to Orofino, Idaho, as that community's second local FM transmission service in response to a petition filed by Topaz Enterprises, Inc. *See* 62 FR 7982, February 21, 1997. Coordinates used for Channel 253A at Orofino are 46–28–48 and 116–15–00. As Orofino is located within 320 kilometers (199 miles) of the Canadian border, concurrence of the Canadian government in this proposal was obtained. With this action, the proceeding is terminated.

DATES: Effective August 4, 1997. The window period for filing applications for Channel 253A at Orofino, Idaho, will open on August 4, 1997, and close on September 4, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, 202) 418–2180. Questions related to the window application filing process for Channel 253A at Orofino, Idaho, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–62, adopted June 11, 1997, and released June 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Channel 253A at Orofino.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–17569 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–36; RM–8991]

Radio Broadcasting Services; Mendota, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 263A to Mendota, California, as that community's first local aural transmission service in response to a petition filed by Mendota Broadcasting Company. *See* 62 FR 5790, February 7, 1997. Coordinates used for Channel 263A at Mendota are 36–45–12 and 120–22–54. With this action, the proceeding is terminated.

DATES: Effective August 4, 1997. The window period for filing applications for Channel 263A at Mendota, California, will open on August 4, 1997, and close on September 4, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 263A at Mendota, California,

should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–36, adopted June 11, 1997, and released June 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Mendota, Channel 263A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–17571 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–87; RM–9028]

Radio Broadcasting Services; Hubbardston, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document dismisses a petition for rule making filed by Jane Lafler proposing the allotment of Channel 279A to Hubbardston, Michigan. *See* 62 FR 12152, March 14, 1997. No comments were received at the Commission stating an intention to file an application for the channel at Hubbardston. It is Commission policy to refrain from making an allotment absent an expression of interest. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97–87, adopted June 11, 1997, and released June 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–17568 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–19; RM–8978]

Radio Broadcasting Services; Williams, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 256A to Williams, California, as that community's first local aural transmission service in response to a petition filed on behalf of Spring Creek Broadcasting Company. *See* 62 FR 3854, January 27, 1997. Coordinates used for Channel 256A at Williams are 39–04–54 and 122–14–06. With this action, the proceeding is terminated.

DATES: Effective August 4, 1997. The window period for filing applications for Channel 256A at Williams, California, will open on August 4, 1997, and close on September 4, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 256A at Williams, California, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–19, adopted June 11, 1997, and released June 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Williams, Channel 256A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–17572 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1842

Quick-Closeout Procedures

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: In the interest of streamlining and to better determine the applicability of quick-closeout procedures, this action amends the NASA FAR Supplement (NFS) rule at 1842.708(a)(2)(ii). The amended rule deletes the contract value dollar threshold for when quick-closeout may be used without the prior approval of the installation procurement officer and replaces it with a requirement to perform a risk assessment.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Le Cren, (202) 358–0444.

SUPPLEMENTARY INFORMATION:

Background

NFS 1842.708(a)(2)(ii) limits the use of quick-closeout to contracts with a value, excluding fee, not greater than $2 million unless the prior approval of the installation procurement officer is obtained. This entails the preparation of a deviation package for each contract above the threshold for which quick-closeout is to be used. Several NASA installations have processed a number of such deviations over the last few years. In addition, one installation has twice requested and been granted a class deviation to the NFS $2 million threshold in order to handle the number of contracts above that amount for which the use of quick-closeout procedures was desired. We believe the performance of a risk assessment is a better tool than a limitation on the contract value for ensuring that quick-closeout is properly used.

Impact

NASA certifies that this change to its regulations will have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*.). This change does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1842

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Part 1842 is amended as follows:

1. The authority citation for 48 CFR Part 1842 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1842—CONTRACT ADMINISTRATION

1842.708 [Amended]

2. Section 1842.708 is revised to read as follows:

1842.708 Quick-closeout procedure.

(a)(2)(ii) The 15 percent parameter does not apply to NASA contracts. Instead, perform a risk analysis that takes into consideration the contractor systems identified in FAR 42.708(a)(2)(ii), as well as the concerns of the cognizant contract auditor, and any other pertinent information.

[FR Doc. 97–17309 Filed 7–3–97; 8:45 am]
BILLING CODE 7510–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 961227373–6373–01; I.D. 062797C]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces further restrictions to the Pacific Coast groundfish fisheries for lingcod and fixed-gear sablefish on July 1, 1997, and announces a change from 2-month cumulative trip limits to 1-month cumulative trip limits for Dover sole, thornyheads, and trawl-caught sablefish on September 1, 1997. NMFS also warns the industry of the likely closure of the limited entry fisheries for Dover sole, thornyheads, and trawl-caught sablefish in November and December 1997, and possibly earlier. These actions are authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. These restrictions are intended to keep landings as close as possible to the 1997 harvest guidelines for these species, and to provide management flexibility during the final months of the year.

DATES: The trip limit changes for lingcod and fixed-gear sablefish are effective from 0001 hours (local time) July 1, 1997; for trawl vessels operating in the ''B'' platoon, effective from 0001 hours (local time) July 16, 1997. Changes to the cumulative trip limits for Dover sole, thornyheads, and trawl-caught sablefish are effective 0001 hours (local time) September 1, 1997; for vessels operating in the ''B'' platoon, effective 0001 hours September 16, 1997. These changes remain in effect until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**, unless modified, superseded, or rescinded. Comments will be accepted through July 22, 1997.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140 or Rodney McInnis at 562–980–4040.

SUPPLEMENTARY INFORMATION: The following changes to routine management measures are based on the best available information, and were recommended by the Pacific Fishery Management Council (Council), in consultation with the states of Washington, Oregon, and California, at its June 23–25, 1997, meeting in Seattle, WA.

Dover Sole, Thornyheads, and Trawl-Caught Sablefish (the DTS Complex)

Year-End Closures. The catch projections presented at the June 1997 Council meeting indicated that the fishery for Dover sole (north of Cape Mendocino, 40°30' N. lat.), thornyheads (north of Pt. Conception, CA, 34°27' N. lat.), and trawl-caught sablefish would not last through the end of the year. The Council considered whether additional trip limit reductions on July 1, 1997, would reduce the need for closures at the end of the year, or if further reductions would be more likely to increase discards rather than to reduce fishing mortality. The Council considered public testimony and the recommendations of its Groundfish Advisory Subpanel of industry representatives. Many individuals testified that the rate of landings used in the catch projections was unrealistically high and could indicate data errors, that further reductions in trip limits at this time would be translated into discards but not a reduction in fishing mortality, and that a closure at the end of the year would be preferable to reduced trip limits. Therefore, the Council did not recommend further reductions to trip limits on July 1, and assumed that the fishery for the DTS complex would likely be closed in November and December 1997, or as early as September or October if review of the data at the September 1997 Council meeting indicates the harvest guidelines will be reached earlier. Depending on the amount of fish remaining, if any,

provisions may be made for a small bycatch of Dover sole in the petrale sole fishery. Closure of the limited entry thornyhead fishery, when it occurs, is expected to apply north of Pt. Conception, CA, although reductions in the cumulative trip limit south of Pt. Conception may be needed to avoid effort shifts into that area. The Council will make its final recommendation on closure dates at its September 1997 meeting in Portland, OR, and any changes approved by NMFS will be announced in the **Federal Register**.

Monthly limits. To provide additional management flexibility in setting closure dates (or severely reduced trip limits), the Council recommended that the 2-month cumulative trip limits for the DTS complex be converted to 1-month cumulative trip limits, effective September 1, 1997. This means the 60–percent monthly limits would become obsolete for those species after September 1.

Limited Entry Fixed-Gear Sablefish Fishery North of 36°00' N. Lat.

The limited entry fixed-gear sablefish fishery is managed with a daily trip limit that applies outside the regular and mop-up seasons (which together are called the primary season). Testimony at the April 1997 Council meeting indicated that landings by the limited entry fixed-gear fleet were accelerating under the small, 300–lb (136–kg) daily trip limit fishery north of 36°00' N. lat., possibly by vessels expecting not to qualify for the sablefish endorsement that will be required to participate in the regular and mop-up seasons for the limited entry sablefish fishery in 1997 and beyond. To slow the fishery, a monthly cumulative trip limit of 5,100 lb (2,313 kg) was added on May 1, 1997 (62 FR 24845, May 7, 1997), to limit landings under the daily trip limit. Despite this cumulative limit, landings remained high in the daily trip limit fishery. At its June 1997 meeting, the Council expressed its intent to keep landings in the daily trip limit fishery at about 1.1 million lb (499 mt), about 84 mt higher than the amount taken in 1996. (The amount of fish taken in the daily trip limit fishery in 1996 initially was estimated to be 825,000 lb (374 mt), but at the June 1997 Council meeting was revised to 915,000 lb (415 mt).) The Council recommended that landings under the daily trip limit of 300 lb (136 kg) be further restricted on July 1, 1997, by reducing the cumulative monthly limit from 5,100 lb (2,313 kg) to 600 lb (272 kg) in the limited entry fishery north of 36°00' N. lat. This is intended to provide enough sablefish so that the daily trip limit fishery may last to the end of the year. Because the daily trip limit fishery will be interrupted by the regular and mop-up seasons, the 600–lb (272–kg) cumulative limit also will apply to partial months in which daily trip limits are in effect.

Open Access Fixed-Gear Sablefish Fishery North of 36°00' N. Lat.

The Council also recommended that the 1,500–lb (680–kg) cumulative monthly limit on sablefish taken under the 300–lb (136–kg) daily trip limit in the open access fishery be reduced from 1,500 lb (680 kg) to 600 lb (272 kg), to be consistent with the limited entry fishery. This limit applies to hook-and-line, pot, and set net gear, but not to exempted trawl gear (e.g., shrimp, prawn, California halibut, and sea cucumber trawls). This limit on the open access fishery is intended to prevent effort shifts into that fishery by limited entry vessels. If adequate amounts of sablefish remain, the cumulative trip limit may be increased later in the year.

Lingcod

The limited entry fishery for lingcod currently is managed under a 2-month cumulative trip limit of 40,000 lb (18,144 kg). The best available information at the June 1997 Council meeting indicated that 536 mt of lingcod had been taken through May 31, 1997, and that the 2,400–mt harvest guideline would be reached in late September-early October if the rate of landings is not slowed. The Council therefore recommended that the 2-month cumulative trip limit for lingcod be reduced coastwide on July 1, 1997, from 40,000 lb (18,144 kg) to 30,000 lb (13,608 kg), to keep landings within the harvest guideline in 1997. The prohibition against landing lingcod smaller than 22 inches (56 cm), with the exception of 100 lb (45 kg) for trawl caught lingcod, remains in effect. The Council also recommended that the 900 mt estimated for the recreational fishery be evaluated to see if it reflects current levels of harvest.

NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and makes the following changes to the 1997 annual management measures (62 FR 700, January 6, 1997, as modified).

1. Effective September 1, 1997 (September 16, 1997, for the ''B'' platoon), for Dover sole, thornyheads, and trawl-caught sablefish (the DTS complex), paragraph E.(2)(b) of section IV. is amended, and paragraph E.(3) is removed, to read as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)*

* * * * *

(2) * * *

(b) * * *

(i) *North of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained north of Cape Mendocino is 28,500 lb (12,927 kg) per vessel per 1-month period. Within this cumulative trip limit, no more than 6,000 lb (2,722 kg) may be sablefish, no more than 15,000 lb (6,804 kg) may be Dover sole, and no more than 7,500 lb (3,402 kg) may be thornyheads. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads.

(ii) *South of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained south of Cape Mendocino is 50,000 lb (22,680 kg) per vessel per 1-month period. Within this cumulative trip limit, no more than 6,000 lb (2,722 kg) may be sablefish, and no more than 7,500 lb (3,402 kg) may be thornyheads. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads.

(iii) *Clarification.* The cumulative monthly trip limits for sablefish and thornyheads are the maximum amount that may be taken and retained, possessed, or landed coastwide in a calendar month. A vessel is not entitled to double the cumulative trip limit if it operates both north and south of Cape Mendocino in a calendar month.

* * * * *

2. Effective July 1, 1997, paragraph E.(2)(c) of section IV. for nontrawl sablefish is amended as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish*

* * * * *

(2) * * *

(c) *Nontrawl trip and size limits.*

(i) *Daily trip limit.* The daily trip limit, which applies to sablefish of any size, is in effect until the closed periods before or after the regular season (as currently specified at 50 CFR 660.323(a)(2)(i)), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season.

(A) The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. is 300 lb (136 kg), not to exceed 600 lb (272 kg) cumulative in a calendar month in which the daily trip limit is in effect (e.g., August before the start of the regular season, which the Council has recommended to begin on August 25, 1997, but which has not yet been approved by NMFS; in September

after the regular season; and in October after the mop-up season. Exact dates of the regular and mop-up seasons are yet to be announced.)

(B) The daily trip limit for sablefish taken and retained with nontrawl gear south of 36°00' N. lat. is 350 lb (159 kg) with no cumulative limit on the amount of sablefish that may be retained in a month.

* * * * *

3. Effective July 1, 1997 (July 16, 1997, for the ''B'' platoon), for lingcod, paragraph G. of section IV. is amended as follows:

G. *Lingcod* * * *

(1) *Limited entry fishery*. The cumulative trip limit for lingcod is 30,000 lb (13,608 kg) per vessel per 2-month period. The 60–percent monthly limit is 18,000 lb (8,165 kg).

(2) *Open access fishery*. Within the limits at paragraph IV.I. for the open access fishery, the 50–percent monthly limit for lingcod is 15,000 lb (6,804 kg).

* * * * *

4. Effective July 1, 1997, for sablefish taken in the open access fishery, paragraph I. of section IV. is amended as follows:

I. *Trip Limits in the Open Access Fishery* * * *

* * * * *

(2) * * *

(a) *North of 36*°00' N. lat. The cumulative trip limit for sablefish taken and retained north of 36°00' N. lat. is 600 lb (272 kg) per month. The daily trip limit for sablefish taken and retained north of 36°00' N. lat., which counts toward the cumulative limit, is 300 lb (136 kg). The 600–lb (272–kg) cumulative monthly limit does not apply to exempted trawl gear (used to fish for shrimp, prawn, sea cucumber, and California halibut) in the open access fishery.

* * * * *

Classification

These actions are authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours. Because of the need for immediate action to slow the rate of harvest of the species discussed above, and because the public had an opportunity to comment on the action at the June 1997 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: July 1, 1997.

Gary C. Matlock,

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

[FR Doc. 97–17625 Filed 7–1–97; 3:51 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 129
Monday, July 7, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV97–920–1 PR]

Kiwifruit Grown in California; Proposed Revision of Administrative Rules Pertaining to Delinquent Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on revisions to time periods specified for timely payment of assessments owed by handlers under the Federal marketing order for kiwifruit grown in California. This rule would reduce the time periods specified for timely payments of assessments from 60 days of invoice for in-line inspection and from 45 days of invoice for block inspection, to 30 days of invoice for both types of inspection. It would also allow the Kiwifruit Administrative Committee (committee) to further revise this time period to a later time period, in the future, if deemed necessary and approved by the committee. This rule would contribute to the efficient operation of the program, and would reduce the administrative and accounting burden for handlers and the committee staff.

DATES: Comments must be received by August 6, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, FAX (202) 720–5698. All comments should reference this docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Rose Aguayo, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey St., suite 102B, Fresno, California 93721, telephone (209) 487–5901, FAX (209) 487–5906; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2526–S, Washington, DC 20090–6456, telephone (202) 720–2491, FAX (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone (202) 720–2491, FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 920 (7 CFR part 920), as amended, regulating the handling of kiwifruit grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this proposed rule in conformance with Executive Order 12866.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later that 20 days after date of the entry of the ruling.

This proposal invites comments on revisions to time periods specified for timely payment of assessments owed by handlers under the Federal marketing order for kiwifruit grown in California. Under § 920.41(a) of the order, each person who first handles kiwifruit is required to pay a pro-rata share of the costs of administering the program. This cost is in the form of a uniform assessment rate applied to each handler's shipments. Section 920.41(a) also provides that if a handler does not pay an assessment within the time prescribed by the committee, the assessment may be subject to an interest or late payment charge, or both. Section 920.112 of the order's administrative rules specifies that a simple interest rate of 1.5 percent per month will be charged to assessments which are not received within 60 days of invoice for in-line inspected kiwifruit or within 45 days of invoice for block inspected kiwifruit. It further specifies that a 10 percent late charge will be assessed handlers when payment becomes 30 days late.

The committee, the agency responsible for local administration of the marketing order, met on April 16, 1997, and unanimously recommended revising the administrative rules in effect under the order pertaining to the time period specified for timely payment of assessments owed by handlers. The committee recommended reducing the time period for timely payment of assessments owed by handlers from 60 days of invoice for in-line inspection and from 45 days of invoice for block inspection, to 30 days of invoice for both types of inspection. The committee also requested that § 920.112 of the rules and regulations be revised to allow the committee to further revise this time period in the future, if deemed necessary.

Kiwifruit grown in California is harvested in late September or early October. The fruit is packed shortly after harvest and much of it is placed into storage until shipment. The primary shipping season extends through the following May, although some fruit is marketed during the summer months.

Whenever grade, size, quality, or maturity requirements are in effect for California kiwifruit, handlers are

required to have their fruit inspected and certified as meeting those requirements. Handlers have a choice of two different inspection methods, referred to as ''in-line'' and ''block'' inspection. With in-line inspection, kiwifruit is inspected during the packing process, prior to storage. With block inspection, the kiwifruit is inspected after it has been packed. Block inspections are typically performed just prior to shipment.

Pursuant to § 920.160, each shipper who ships kiwifruit shall furnish a report of shipment and inventory data to the committee not later than the fifth day of the month following such shipment. This Monthly Shipment Report is also required under the State kiwifruit program administered by the California Kiwifruit Commission (commission). The Federal and State programs are both administered by the same staff.

The committee staff calculates assessments from the Monthly Shipment Report for all inspected kiwifruit and bills handlers for committee and commission assessments. The billing period runs from the first to the last day of the month for all handlers. Invoices are typically prepared and mailed at the end of the month of receipt of the Monthly Shipment Report, with payment due 60 days from date of invoice for in-line inspected kiwifruit and 45 days from date of invoice for block inspected kiwifruit.

Approximately a month before the start of the 1996–1997 season, the commission reduced its time period to specify that assessments would be considered late if not received within 30 days of invoice. The committee did not recommend a change in its requirements at that time because there was not adequate time to implement such a change for the 1996-1997 crop year. Operating under two different time periods for timely payment of assessments requires the committee staff to process and mail two invoices each month and requires the handlers to review two invoices and make two payments. Thus, this proposed rule should reduce costs for handlers and the committee by making the procedures under both programs the same.

The committee met on April 16, 1997, and recommended reducing the time periods for timely payment of assessments owed by handlers to 30 days of invoice so that the committee's time period would be consistent with the commission's time period and further recommended that this rule be effective in September for the l997–1998 season.

The committee also recommended including authority to revise this time period in the future, if deemed necessary and approved by the committee. The committee would like to ensure that consistent accounting and administrative procedures could be implemented simultaneously in the future. The Department believes the committee should be granted authority to increase the time period; however, a reduction in the time period should be subject to the informal rulemaking process. The committee's recommendation is proposed to be modified accordingly.

This action proposes revising § 920.112 to provide that assessments on all kiwifruit be considered delinquent if not received within 30 days of invoice, or such other later time as specified by the committee.

There is unanimous committee support to reduce the time periods specified for timely payment of assessments owed by handlers to within 30 days of invoice for both types of inspections.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses would not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 60 handlers of California kiwifruit subject to regulation under the marketing order and 450 producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less that $500,000. One of the 60 handlers subject to regulation has annual kiwifruit sales of at least $5,000,000, and the remaining 59 handlers have sales less than $5,000,000, excluding receipts from any other sources. Ten of the 450 producers subject to regulation have annual sales of at least $500,000, and the remaining 440 producers have sales less than $500,000, excluding receipts from any other sources. Therefore, a majority of handlers and producers of California kiwifruit may be classified as small entities.

Under § 920.41(a) of the marketing order for kiwifruit grown in California, each person who first handles kiwifruit is required to pay a pro-rata share of the costs of administering the program. This cost is in the form of a uniform assessment rate applied to each handler's shipments. Section 920.41(a) also provides that if a handler does not pay an assessment within the time prescribed by the committee, the assessment may be subject to an interest or late payment charge, or both. Section 920.112 of the order's administrative rules specifies that a simple interest rate of 1.5 percent per month will be charged to assessments which are not received within 60 days of invoice for in-line inspected kiwifruit or within 45 days of invoice for block inspected kiwifruit. It further specifies that a 10 percent late charge will be assessed handlers when payment becomes 30 days late.

Pursuant to § 920.160, each shipper who ships kiwifruit shall furnish a report of shipment and inventory data to the committee not later than the fifth day of the month following such shipment. This Monthly Shipment Report is also required under the State kiwifruit program administered by the California Kiwifruit Commission. The Federal and State programs are both administered by the same staff.

The committee staff calculates assessments from the Monthly Shipment Report for all inspected kiwifruit and bills handlers for committee and commission assessments. The billing period runs from the first to the last day of the month for all handlers. Invoices are typically prepared and mailed at the end of the month of receipt of the Monthly Shipment Report, with payment due 60 days from date of invoice for in-line inspected kiwifruit and 45 days from date of invoice for block inspected kiwifruit.

Approximately a month before the start of the 1996–1997 season, the commission reduced its time period to specify that assessments would be considered late if not received within 30 days of invoice. The committee did not recommend a change in its requirements at that time because there was not adequate time to implement such a change for the 1996–1997 crop year. Two different time periods for timely payment of assessments requires the committee staff to process and mail two invoices each month and requires the handlers to review two invoices and make two payments. Thus, this proposed rule should reduce costs for

handlers and the committee by making the procedures under both programs the same.

The committee met on April 16, 1997, and recommended revising § 920.112 to provide that the time periods for timely payment of assessments owed by handlers be reduced to 30 days of invoice so that the committee's time period would be consistent with the commission's time period and further recommended that this rule be effective in September for the l997–1998 season. The committee also recommended including authority to revise this time period in the future, if deemed necessary. It would like to ensure that consistent accounting and administrative procedures could be implemented simultaneously in the future.

There is unanimous committee support to reduce the time periods specified for timely payment of assessments owed by handlers to 30 days of invoice for both types of inspections.

Currently, the time lapse between the date the fruit is shipped and the date assessments are due is between 60–90 days. Handlers normally receive payment for shipments within 30 days of shipment. Therefore, the impact of this action would not be significant as payments for shipments are normally received 30–60 days before assessments are due.

Handlers currently pay assessments of $.0175 per tray or tray equivalent and have 60 days from date of invoice for in-line inspected kiwifruit and have 45 days from date of invoice for block inspected kiwifruit to pay their assessments before their assessments are considered delinquent. If handlers pay their assessments in a timely manner, they are not charged the simple interest rate of 1.5 percent per month or the 10 percent late charge.

Under this proposal, handlers would have 30 days from the invoice date before their assessments would be considered delinquent. This 30-day reduction in the time period for handlers receiving in-line inspection and 15-day reduction in the time period for handlers receiving block inspection would have no impact on handlers who pay their assessments in a timely manner. Even for those who do not pay in a timely manner, the impact would not be significant. For example, if a handler is delinquent in paying assessments, a simple interest rate of 1.5 percent interest per month and an assessment of $.0175 per tray or tray equivalent would apply. During the peak month of March, 1996, less than 1.6 million trays or tray equivalents were shipped. This equates to an approximate average of 26,667 trays for each of the 60 handlers, which when assessed at $.1075 per tray generates a $467 assessment per handler. If an account is 30 days delinquent, the handler is charged a 1.5 percent interest charge in the amount of $7.00 and a 10 percent late charge in the amount of $46.70 over the assessment. This action does not change the interest rate or the late charge percentage, but reduces the time period specified for timely payment to 30 days. If amounts are paid in a timely manner, no additional charges are incurred.

The majority of assessments owed by handlers are paid within the specified time periods.

This change would reduce the administrative and accounting burden for handlers and for the committee staff by making the committee's and the commission's time periods consistent. While no specific alternatives were suggested during the public meeting, the committee's recommendation and the rule proposed herein do provide for built-in alternatives and flexibility. Allowing the committee to further revise this time period to a later time period in the future, if deemed necessary, would ensure that consistent accounting and administrative procedures could be implemented simultaneously in the future. This rule would be applied uniformly to all handlers and was viewed by the committee as the best solution.

This action would not impose any additional reporting or recordkeeping requirements on either small or large kiwifruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the committee's meeting was widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the April 16, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. The committee itself is composed of 12 members. Two of these members are handlers and producers, 9 are producers only, and one is a public member. The majority are small entities, with one producer member having annual receipts over $500,000. Thus, committee recommendations can be considered to represent the interests of small business entities in the industry. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, 7 CFR part 920 is proposed to be amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 920.112 is revised to read as follows:

§ 920.112 Late payments.

Pursuant to § 920.41(a), interest will be charged at a 1.5 percent monthly simple interest rate. Assessments for kiwifruit shall be deemed late if not received within 30 days of invoice, or such other later time period as specified by the committee. A 10 percent late charge will be assessed when payment becomes 30 days late. Interest and late payment charges shall be applied only to the overdue assessment.

Dated: June 30, 1997.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 97–17605 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV97–981–4 PR]

Almonds Grown in California; Amended Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the assessment rate for the Almond Board of California (Board) under Marketing Order No. 981 for the 1997–98 and subsequent crop years. The Board is responsible for local administration of the marketing order

which regulates the handling of almonds grown in California. Authorization to assess almond handlers would enable the Board to incur expenses that are reasonable and necessary to administer the program.

DATES: Comments must be received by July 22, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martin Engeler or Mary Kate Nelson, Marketing Specialists, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax: (209) 487–5906. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 981, both as amended (7 CFR part 981), regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California almond handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein would be applicable to all assessable almonds beginning August 1, 1997, and continuing until amended, suspended, or terminated. This proposal would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposal would increase the assessment rate established for the Board for the 1997–98 and subsequent crop years from 1 cent to 2 cents per pound of almonds received by handlers.

The almond marketing order provides authority for the Board, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California almonds. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The Board met on May 9, 1997, and unanimously recommended 1997–98 expenditures of $11,333,876.49 and an assessment rate of 2 cents per pound of almonds received by handlers. In comparison, last year's budgeted expenditures were $6,426,500. The primary reason for the increase for the upcoming crop year is the inclusion of funding for a generic paid advertising program. The assessment rate would be higher than last year's established rate of 1 cent per pound; however, the Board also recommended a credit-back program whereby handlers could receive credit for their own promotional activities of up to 1 cent per pound against their assessment obligation. Handlers not participating in this program would remit the entire 2 cents to the Board. For administrative purposes, the Board would separate the assessment into two portions when billing handlers; an administrative portion of 1 cent per pound and an advertising portion of 1 cent per pound. Implementation of the advertising portion of the assessment and the generic advertising program may be impacted by the outcome of litigation relative to advertising and promotion conducted under marketing orders. The Board recommended not implementing the advertising portion of the assessment until further action of the Board is taken.

The Board recommended that the major expenditures for the 1997–98 fiscal period should include $4,084,000 for information and research programs, $3,408,000 for paid generic advertising, $881,534 for salaries, $794,043 for international programs, $568,679 for production research, $95,400 for crop estimates, and $90,000 for travel. Budgeted expenses for major items in 1996–97 were $3,333,500 for information and research, $731,534 for salaries, $660,500 for international programs, $558,131 for production research, $91,160 for crop estimates, and $97,470 for travel.

The assessment rate recommended by the Board was derived by considering anticipated expenses and production levels of California almonds, and additional pertinent factors. Production of edible almonds for the year is estimated at 681,600,000 pounds which should provide revenue of $6,816,000 from administrative assessments (681,600,000 pounds at 1 cent per pound). In addition, it is anticipated that $3,408,000 would be derived from the portion of assessments eligible for credit-back but received by the Board from handlers who do not obtain credit for their own activities. Income derived from handler assessments, along with interest income, Market Access Program reimbursement for international promotion activities, research conference revenue, miscellaneous income, and funds derived from the Board's authorized monetary reserve would be adequate to cover budgeted expenses. Any unexpended funds from the 1997–98 crop year may be carried over to cover expenses during the first four months of the 1998–99 crop year.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order

that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 97 handlers of California almonds who are subject to regulation under the marketing order and approximately 7,000 almond producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

Currently, about 58 percent of the handlers ship under $5,000,000 worth of almonds and 42 percent ship over $5,000,000 worth of almonds on an annual basis. In addition, based on acreage, production, and grower prices reported by the National Agricultural Statistics Service, and the total number of almond growers, the average annual grower revenue is approximately $156,000. In view of the foregoing, it can be concluded that the majority of handlers and producers of California almonds may be classified as small entities.

This proposed rule would increase the assessment rate established for the Board for the 1997–98 and subsequent crop years from 1 cent to 2 cents per pound of almonds, of which up to 1 cent would be credited to handlers for their own promotional activities. The Board unanimously recommended 1997–98 expenditures of $11,333,876.49 and an assessment rate of 2 cents per pound of almonds. The assessment rate of 2 cents is 1 cent more than the rate currently in effect. The primary reason for the increase for the upcoming crop year is the inclusion of funding for a generic paid advertising program.

The Board recommended that the major expenditures for the 1997–98 crop year should include $4,084,000 for information and research programs, $3,408,000 for paid generic advertising, $881,534 for salaries, $794,043 for international programs, $568,679 for production research, $95,400 for crop estimates, and $90,000 for travel. Alternative rates of assessment were considered during the budgeting process. Keeping the assessment rate at 1 cent was considered but not recommended because it would not generate the income necessary to administer the program. In order to fund the programs recommended by the Board for the 1997–98 season, it was determined that the assessment rate recommended by the Board, when applied to the preliminary crop estimate, would be necessary to generate sufficient revenue. Costs of various programs, desired and overall spending levels, and desired levels of monetary reserve were considered during the budgeting process.

Handlers' receipts of assessable almonds for the year are estimated at 681,600,000 pounds which should provide $10,224,000 in assessment income. Income derived from handler assessments, along with interest income, Market Access Program reimbursement, research conference revenue, miscellaneous income, and funds derived from the Board's authorized reserve would be adequate to cover budgeted expenses. Funds in the reserve would be kept within the maximum permitted by the order.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 1997–98 season could range between $1.00 and $1.50 per pound of almonds. Therefore, the estimated assessment revenue for the 1997–98 crop year as a percentage of total grower revenue could range between 1 and 1.5 percent.

While this rule would impose some additional costs on handlers, the costs would be minimal and in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers.

However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Board's meeting was widely publicized throughout the California almond industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the May 9, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large California almond handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, would tend to effectuate the declared policy of the Act.

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1997–98 crop year begins on August 1, 1997, and the marketing order requires that the rate of assessment for the crop year apply to all assessable California almonds handled during the crop year; and (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other budget actions issued in past years.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 981 be amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 981.343 [Amended]

2. Section 981.343 is amended by removing ''July 1, 1996,'' and adding in its place ''August 1, 1997,'', by removing ''$0.01 cent'' and adding in its place ''2 cents,'' and by adding as the last sentence ''Of the 2 cent assessment rate, 1 cent per assessable pound is available for handler credit-back.''

Dated: June 30, 1997.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 97–17606 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV97–985–1 PR]

Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New and Existing Producers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reduce the number of regions established for issuing additional allotment bases to new producers from four to three; revise the procedure used for issuing additional allotment bases when no requests are received from a region for a class of spearmint oil; and eliminate obsolete language pertaining to the issuance of additional allotment bases to existing producers during the 1992–93 and 1993–94 marketing years. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule to ensure that a maximum number of new producers would receive additional allotment base each year at a level determined by the Committee to be a minimum economic enterprise.

DATES: Comments must be received by July 22, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, South Building, PO Box 96456, Washington, DC. 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326–2043; Fax: (503) 326–7440; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525–S, South Building, PO Box 96456, Washington, DC 20090–6456; telephone: (202) 690–3919; Fax: (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 985 (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

The spearmint oil order is a volume control program that authorizes the regulation of spearmint oil produced in the Far West through annual allotment percentages and salable quantities for Class 1 (Scotch) and Class 3 (Native) spearmint oils. The salable quantity limits the quantity of each class of spearmint oil that may be marketed from each season's crop. Each producer is allotted a share of the salable quantity by applying the allotment percentage to that producer's allotment base for the applicable class of spearmint oil. Handlers may not purchase spearmint oil in excess of a producer's annual allotment, or from producers who have not been issued an allotment base under the order.

Section 985.53(d)(3) of the order provides for rules to be established by the Committee, with the approval of the Secretary, for distribution of additional allotment bases. Pursuant to the authority in that section, the Committee unanimously recommended revising § 985.153 of the order's rules and regulations at its meeting on March 18, 1997. Section 985.153 provides regulations for the issuance of additional allotment bases to new and existing producers. The Committee's recommendation proposes modification of portions of § 985.153 to reflect current conditions within the Far West spearmint oil industry relative to the annual issuance of additional allotment bases to both new and existing producers. This proposed rule would reduce the number of regions established for issuing additional allotment bases to new producers from four to three; revise the procedure used for issuing additional allotment bases when no requests are received from a region for a class of spearmint oil; and r eliminate obsolete language pertaining to the issuance of additional allotment bases to existing producers during the 1992–93 and 1993–94 marketing years.

Section 985.53(d)(1) provides that, beginning with the 1982–83 marketing year, the Committee annually make additional allotment bases available in an amount not greater than 1 percent of the total allotment base for each class of spearmint oil. The order specifies that, each year, 50 percent of the additional allotment bases be made available for new producers and 50 percent be made available for existing producers. A new producer is any person who has never been issued allotment base for a class of oil, and an existing producer is any person who has been issued allotment base for a class of oil. Provision is made in the order for new producers to apply to the Committee for the additional allotment base, which in turn is issued to applicants in each oil class by lottery. The additional allotment bases being made available to existing producers are distributed equally among all existing producers who apply.

The order was amended on June 26, 1996 (61 FR 32924), by redefining the production area to exclude those portions of the area with no historic record of commercial production of

spearmint oil. The amendment thus removed the regulated portions of California and Montana, leaving the defined production area to mean the States of Washington, Oregon, and Idaho, and portions of the States of Nevada and Utah.

Based on the order prior to the amendment, § 985.153(c) currently establishes the regions for issuing additional allotment base as follows:

(A) Region 1—Those portions of Montana and Utah included in the production area.

(B) Region 2—The State of Oregon and those portions of Nevada and California included in the production area.

(C) Region 3—The State of Idaho.

(D) Region 4—The State of Washington.

During past additional allotment base lotteries, the name of one new producer per class of oil in each of the above four regions was drawn by Committee staff. The lottery usually resulted in four new Scotch spearmint oil producers receiving approximately 2,300 pounds of allotment base each, and four new Native spearmint oil producers receiving approximately 2,500 pounds of allotment base each.

This proposed rule would replace the above four regions with the following three regions:

(A) Region 1—The State of Oregon and those portions of Utah and Nevada included in the production area.

(B) Region 2—The State of Idaho.

(C) Region 3—The State of Washington.

The Committee made this recommendation primarily because of the removal of Montana and California from the production area, as well as its analysis of statistics relating to current spearmint oil production and the number of requests received each year for additional allotment base from the various states included in the production area. For example, Committee records show that the average number of applications by state for additional allotment base from 1986 to 1996 for Class 1 and Class 3 spearmint oil, respectively, is 63.2 and 73.2 percent for Washington, 26.7 and 21.5 percent for Idaho, 9.6 and 11.2 percent for Oregon, 1.4 and 2.6 percent for Utah, and 0.2 and 0.2 percent for Nevada. Records also show that the number of producers, as well as the allotment bases held by those producers, is greatest in Washington followed in decreasing order by Idaho, Oregon, Utah, and Nevada. This recommendation would result in each region potentially having a significant number of applicants each year, thus bringing about equity in issuing the additional allotment base. It would also increase the amount of allotment base that is issued to each new producer.

In reaching its recommendation to establish three regions the Committee also considered the importance of issuing as many blocks of additional allotment base as are possible at a level considered economically viable to each recipient. The Committee also resolved that each region should receive an equal number of these blocks. To establish a reasonable minimum economic enterprise required to produce each class of spearmint oil, the Committee relied on available statistical information and on the spearmint oil production experience of each member. Using this information and experience, the Committee concluded that producers require approximately 14 acres for Scotch spearmint oil production and approximately 13 acres for Native spearmint oil production to be economically viable. Using a 5-year average yield and a nominal allotment percentage of 55 as a basis, the Committee calculated that each new block of additional allotment base should be approximately 3,000 pounds for Scotch spearmint oil, and approximately 3,400 pounds for Native spearmint oil.

The Committee used the following formula to establish a range of possible allotments for additional base: (Number of Acres × Average Yield per Acre = Production) ÷ Allotment Percentage = Allotment Base Required for Viability. For example, applying this formula to a theoretical 14-acre Scotch spearmint oil operation with a 5-year average yield of 126 pounds per acre and a nominal 55 percent allotment, each new producer would receive an allotment base of 3,207 pounds. To obtain the total additional allotment base available for new Scotch spearmint oil producers during the 1997–98 marketing year, the total allotment base of 1,811,556 was multiplied by 0.5 percent (50 percent of the additional allotment base). The result, 9,058 pounds, if divided equally among the three proposed regions, would provide three new Class 1 producers with 3,019 pounds of allotment base each.

Similarly, an example with a theoretical 13-acre Native spearmint oil operation, using a 5-year average yield of 151 pounds per acre and a nominal allotment percentage of 55, results in an allotment base of 3,569 pounds for each new producer. The total additional allotment base available for new Native spearmint oil producers during the 1997–98 marketing year, 10,048 pounds, was obtained by multiplying the total allotment base of 2,009,556 pounds by 0.5 percent. Thus, with equal distribution among the three proposed regions, three new Class 3 producers would each receive 3,349 pounds of allotment base.

From such calculations the Committee determined that there should be three regions, that a reasonable minimum economic unit would currently be approximately 3,000 pounds for Scotch spearmint oil and approximately 3,400 pounds for Native spearmint oil, and that currently there should be one new producer per class per region drawn during the annual allotment base lottery. Based on the current total industry allotment bases, the Committee concluded that any more than one recipient per class of oil in a region would result in an inadequate level of allotment base being issued to each new producer.

The amount of allotment base to be issued to new Scotch spearmint oil producers would be slightly higher than the approximate amount the Committee believes necessary for an economically viable production unit. The amount to be issued to new Native spearmint oil producers would be only slightly lower than the Committee's guideline of 3,400 pounds. In both cases, the amount to be allocated to new producers would be higher than under the current four district system.

The Committee also recommended changing the procedure used to distribute unused additional allotment base for each class of oil in the event requests for such are not received from eligible new producers in one or more of the three proposed regions. Currently, if the Committee does not receive requests for additional allotment base for a class of oil from one or more regions, the unused allotment base is divided equally among the eligible new producers within the other regions receiving allotment base for that class of oil. This procedure has resulted in a reduction in the number of additional allotment base recipients. To insure that a maximum number of new producers receive allotment base for each class of oil each year, the Committee recommended that, in the event no requests for additional allotment base for a class of oil are received from a region, the unused allotment base would be issued to an eligible new producer whose name is drawn by lot from all remaining eligible new producers from all regions for that class of oil.

Finally, the Committee recommended that obsolete language in § 985.153(c)(2) pertaining to existing producers, but specific to the 1992–93 and 1993–94

marketing years, be removed. This language is specific to action taken on June 26, 1992 (57 FR 28569), to issue additional allotment base to existing producers with less than 3,000 pounds of allotment base to bring them up to a level not to exceed 3,000 pounds.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, this initial regulatory flexibility analysis has been prepared.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 8 spearmint oil handlers subject to regulation under the order and approximately 250 producers of spearmint oil in the regulated production area. Of the 250 producers, approximately 135 producers hold Class 1 spearmint oil allotment base, and approximately 115 producers hold Class 3 spearmint oil allotment base. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers have been defined as those whose annual receipts are less than $500,000.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose incomes from farming operations are not exclusively dependent on the production of spearmint oil. In the production of the spearmint plant, crop rotation is an essential cultural practice for weed, insect, and disease control. An average spearmint oil producing operation would have acreage sufficient enough to ensure that the total acreage available for the production of the crop is approximately one-third spearmint and two-thirds rotational crops. Consequently, most spearmint oil producers would have considerably more acreage available than would be planted to spearmint during any given season. To remain economically viable with the added costs associated with spearmint oil production, most such farms would fall into the category of large businesses.

Small spearmint oil producers generally are not extensively diversified and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation. Records show that the order has contributed extensively to the stabilization of producer prices.

Based on the Small Business Administration's definition of small entities, the Committee estimates that none of the eight handlers regulated by the order would be considered small entities as all are national or multinational corporations involved in the buying and selling of essential oils and the products of such essential oils. The Committee also estimates that 17 of the 135 Scotch spearmint oil producers and 10 of the 115 Native spearmint oil producers would be classified as small entities. Thus, a majority of handlers and producers of Far West spearmint oil would not be classified as small entities.

Section 985.53 of the order provides that each year the Committee make available additional allotment bases for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. This affords an orderly method for new spearmint oil producers to enter into business and existing producers the ability to expand their operations as the spearmint oil market and individual conditions warrant. One-half of the 1 percent increase is issued annually by lot to eligible new producers for each class of oil. To be eligible, a producer must never have been issued allotment base for the class of spearmint oil such producer is making application for, and have the ability to produce such spearmint oil. The ability to produce spearmint oil is generally demonstrated when a producer has experience at farming, and owns or rents the equipment and land necessary to successfully produce spearmint oil.

This proposed rule would reduce the number of regions established for the purpose of issuing annual additional allotment base to new producers from four to three. It would also change the procedure used to issue additional allotment base should no requests be received from eligible new producers in one or more of the three proposed regions. This proposal would also delete obsolete provisions in § 985.153(c)(2) that pertain to the issuance of additional allotment base to existing producers during the 1992–93 and 1993–94 marketing years. The Committee recommended this rule for the purpose of ensuring equity in the distribution of additional allotment base following the order amendment that removed the regulated portions of California and Montana from the production area. The recommendation would also help to ensure that a maximum number of eligible new producers would receive additional allotment base each year at a level determined by the Committee to be the minimum economic enterprise needed to produce each class of spearmint oil.

To establish a reasonable minimum economic enterprise required for the production of each class of spearmint oil, the Committee relied on available statistical information and on the spearmint oil production experience of each member. Using this information and experience, the Committee concluded that producers require approximately 14 acres for Scotch spearmint oil production and approximately 13 acres for Native spearmint oil production to be economically viable. Using a 5-year average yield and a nominal allotment percentage of 55 as a basis, the Committee calculated that each new block of additional allotment base should be approximately 3,000 pounds for Scotch spearmint oil, and approximately 3,400 pounds for Native spearmint oil.

The Committee used the following formula to establish a range of possible allotments for additional base: (Number of Acres × Average Yield per Acre = Production) ÷ Allotment Percentage = Allotment Base Required for Viability. For example, applying this formula to a theoretical 14-acre Scotch spearmint oil operation with a 5-year average yield of 126 pounds per acre and a nominal allotment percentage of 55, each new producer would receive an allotment base of 3,207 pounds. To obtain the total additional allotment base available for new Scotch spearmint oil producers during the 1997–98 marketing year, the Committee multiplied the total industry allotment base of 1,811,556 by 0.5

percent (50 percent of the additional allotment base). The result, 9,058 pounds, if divided equally among the three proposed regions, would allot 3,019 pounds each for three new Class 1 producers.

Similarly, an example with a theoretical 13-acre Native spearmint oil operation, using a 5-year average yield of 151 pounds per acre and a nominal allotment of 55 percent, results in an allotment base of 3,569 pounds for each new producer. The total additional allotment base available for new Native spearmint oil producers during the 1997–98 marketing year, 10,048 pounds, was obtained by multiplying the total industry allotment base of 2,009,556 pounds by 0.5 percent. With equal distribution among the three proposed regions, three new Class 3 producers would each receive 3,349 pounds of allotment base.

From such calculations the Committee determined that there should be three regions, that a reasonable minimum economic unit would currently be approximately 3,000 pounds for Scotch spearmint oil and approximately 3,400 pounds for Native spearmint oil, and that currently there should be one new producer per class per region drawn during the annual allotment base lottery. Based on the current total industry allotment bases, the Committee concluded that any more than one recipient per class of oil in a region would result in an inadequate level of allotment base being issued to each new producer.

The amount of allotment base to be issued to new Scotch spearmint oil producers would be slightly higher than the approximate amount the Committee believes necessary for an economically viable production unit. The amount to be issued to new Native spearmint oil producers would be only slightly lower than the Committee's guideline of 3,400 pounds. In both cases, the amount to be allocated to new producers would be higher than under the current four district system.

During its deliberations, the Committee considered alternatives to this proposal. The first option discussed would have left § 985.153(c) unchanged. This was rejected because of the need to develop a more equitable method of issuing additional base in light of the order amendment that removed California and Montana from the production area. The Committee also discussed the possibility of eliminating the use of different regions in its additional allotment base issuance procedures. In such a scenario, available additional allotment base would be distributed equally to those new producers drawing the allotment regardless of their spearmint acreage location. However, this option was also rejected because the Committee determined that such a procedure has the statistical potential of adding more new producers to those states with a greater number of current producers than to the states with few producers.

The Committee made its recommendation after careful consideration of available information, including the aforementioned alternative recommendations, the order amendment that removed Montana and California from the production area, the minimum economic enterprise required for spearmint oil production, historical statistics relating to the locations of the producers applying for the annual additional allotment base, and other factors such as number of producers by state and the amount of allotment base held by such producers. Based on its review, the Committee believes that the action recommended is the best option available to ensure that the objectives sought will be achieved.

The information collection requirements contained in the section of the order's rules and regulations proposed to be amended by this rule have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB No. 0581-0065. This action would not impose any additional reporting or record keeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate in the discussion on these issues. Interested persons are also invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because this rule would need to be in place as soon as possible because the Committee plans to distribute base to new producers for the 1998–99 marketing year in August 1997. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 985.153, paragraph (c) is revised to read as follows:

§ 985.153 Issuance of additional allotment base to new and existing producers.

* * * * *

(c) *Issuance*—(1) *New producers.* (i) Regions: For the purpose of issuing additional allotment base to new producers, the production area is divided into the following regions:

(A) *Region 1.* The State of Oregon and those portions of Utah and Nevada included in the production area.

(B) *Region 2.* The State of Idaho.

(C) *Region 3.* The State of Washington.

(ii) Each year, the Committee shall determine the size of the minimum economic enterprise required to produce each class of oil. The Committee shall thereafter calculate the number of new producers who will receive allotment base under this section for each class of oil. An equal number of grants of the additional allotment base for each class of oil that is available to new producers each marketing year shall be issued to producers within each region. The Committee shall include that information in its announcements to new producers in each region informing them when to submit requests for allotment base. The Committee shall determine whether the new producers requesting additional base have ability to produce spearmint oil. The names of all eligible new producers in each region shall be placed in a lot for drawing. A separate drawing shall be held for each region. If, in any marketing year, there are no requests in a class of oil from eligible new producers in a region, such unused allotment base shall be issued to an eligible new producer whose name is selected by drawing from a lot containing the names of all remaining eligible new producers from all regions

for that class of oil. The Committee shall immediately notify each new producer whose name was drawn and issue that producer an allotment base in the appropriate amount.

(2) *Existing producers.* (i) The Committee shall review all requests from existing producers for additional allotment base.

(ii) Each existing producer of a class of spearmint oil who requests additional allotment base and who has the ability to produce additional quantities of that class of spearmint oil, shall be eligible to receive a share of the additional allotment base for that class of oil. Additional allotment base to be issued by the Committee for a class of oil shall be distributed equally among the eligible producers for that class of oil. The Committee shall immediately notify each producer who is to receive additional allotment base by issuing that producer an allotment base in the appropriate amount.

* * * * *

Dated: June 30, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–17607 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–12–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede airworthiness directive (AD) 97–03–03, which is applicable to Pilatus Britten-Norman Ltd. (Pilatus) BN–2, BN–2A, and BN–2B series airplanes that do not have generator terminal diodes installed with Modification NB/M/1571. This AD currently requires removing the terminal diodes that have a 70 amp direct current (DC) Generation System, referred to as Modification NB/M/1148, and installing Modification NB/M/1571, which consists of new terminal diodes with a higher amp rating. The proposed action would retain the same actions required in AD 97–03–03, and would change the applicability section of the proposed AD. Reports from operators that one or both diodes were failing prompted this action, as well as reports from operators that the applicability section of AD 97–03–03 was wrong. The actions specified by this AD are intended to prevent a loss of electrical power to the navigation, communications, and light systems, which could impair the pilot's ability to maintain control of the airplane.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–CE–12–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

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

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Project Officer, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri, 64106; telephone (816) 426–6932, facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–12–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–CE–12–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain Pilatus Britten-Norman (Pilatus) BN–2, BN–2A, and BN–2B series airplanes. The CAA reports that several owners/operators of these airplanes have experienced diode failure, which leads to generator failure during flight. Further investigation has shown that the diode rating is not sufficient to maintain the generators used to operate the navigation, communication, and light system. This condition, if not detected and corrected, could result in loss of power to the navigation, communication, and light systems, which could result in impairing the pilot's ability to maintain control of the airplane.

Airworthiness Directive 97–03–03, Amendment 39–9909 (62 FR 4908, February 3, 1997), currently requires removing the diodes (type 10B1 or 10D1) installed on the terminals of the STBD (RIGHT) GEN and PORT (LEFT) GEN switches (SW2 and SW3), and installing new approved diodes that are type 60S6 on Pilatus BN–2, BN–2A, and BN–2B series airplanes.

These airplane models are manufactured in the United Kingdom and are 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 between the United Kingdom and the United States. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above.

Actions Since Issuance of Previous Rule

Since publication of AD 97–03–03, the FAA has been informed that the applicability section of the AD was misleading. Modification NB/M/1571 is the increased rated diode used on the Pilatus BN–2, BN–2A, and BN–2B series airplanes, if they have a 70-amp DC

generation system installed. Some of these Pilatus airplanes have a 50-amp DC generation system and do not require Modification NB/M/1571. The proposed action would not apply to certain Pilatus BN–2, BN–2A, and BN–2B series airplanes with a 50-amp DC generation system installed. If Modification NB/M/1148 is incorporated (which is the installation of 70 amp DC generators with type 10B1 or 10D1 diodes), but Modification NB/M/1571 is not incorporated, the proposed action would require the incorporation of Modification NB/M/1571.

Relevant Service Information

Pilatus has issued Service Bulletin (SB) BN–2/SB.228, Issue 2, dated January 17, 1996, which specifies procedures for removing the already installed diodes (type 10B1 or 10D1) in accordance with Modification NB/M/1148 and installing the diodes (type 60S6) approved for Modification NB/M/1571.

The CAA classified this service bulletin as mandatory and issued CAA AD No. 004–01–96, in order to ensure the continued airworthiness of these airplanes in the United Kingdom.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the information described above, the FAA has determined that AD action should be taken to prevent a loss of electrical power to the navigation, communications, and light systems, which could impair the pilot's ability to maintain control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in certain Pilatus BN–2, BN–2A, and BN–2B series airplanes of the same type design registered in the United States, the proposed AD would supersede AD 97–03–03 with a new AD that would change the applicability to include the airplanes that have Modification NB/M/1148 incorporated, but do not have Modification NB/M/1571 incorporated. The proposed AD would also retain the same actions as AD 97–03–03, which requires removing the diodes (type 10B1 or 10D1), also referred to as Modification 1148 installed on the terminals of the STBD (RIGHT) GEN and PORT (LEFT) GEN switches (SW2 and SW3), and installing new approved diodes that are type 60S6. Accomplishment of the proposed action would be in accordance with Pilatus SB BN–2/SB.228, Issue 2, dated January 17, 1996.

Cost Impact

The FAA estimates that one airplane currently on the U.S. registry would be affected by the proposed AD, that it would take approximately one workhour per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $40 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $100. The FAA has no way of determining whether or not the owner/operator of this airplane has accomplished this action.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 USC 106(g), 40113, 44701.

§39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 97–03–03, Amendment 39–9909, and by adding a new AD to read as follows:

Pilatus Britten-Norman Ltd.: Docket No. 97–CE–12–AD; Supersedes AD 97–03–03, Amendment 39–9909.

Applicability: BN–2, BN–2A, and BN–2B series airplanes (all serial numbers), certificated in any category, that have Pilatus Britten-Norman (Pilatus) Modification NB/M/1148 (70 amp DC Generation System) incorporated, and do not have Pilatus Modification NB/M/1571 (Introduction of Increased Rated Diode-70 amp DC Generation System) incorporated.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent loss of electrical power to the navigation, communications and light systems, which could impair the pilot's ability to maintain control of the airplane, accomplish the following:

(a) Remove the diodes (quantity 2, part number (P/N) 340502014, type 10B1 or 10D1) installed on the terminals of the STBD (RIGHT) GEN and PORT (LEFT) GEN switches (SW2 and SW3), and install new approved diodes (quantity 2, P/N NB–81–5873, type 60S6) in accordance with the Accomplishment Instructions section in Pilatus Britten-Norman Aircraft Manufacturers Service Bulletin (SB) BN–2/SB.228, Issue 2, dated January 17, 1996.

(b) Accomplishment of paragraph (a) of this AD is considered incorporation of Modification NB/M/1571.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri, 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate. Alternative methods of compliance approved in accordance with AD 97–03–03 are

considered approved as alternative methods of compliance for this AD.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman, Ltd., Bembridge, Isle of Wight, United Kingdom, PO35 5PR; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 97–03–03, Amendment 39–9909.

Issued in Kansas City, Missouri, on June 27, 1997.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–17545 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 970624153–7153–01]

RIN 0607–AA23

Revision of Section 30.56(b): Conditional Exemptions for Filing Shipper's Export Declarations (SED) for Tools of Trade

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of Proposed Rulemaking and Request for Comments.

SUMMARY: The Bureau of the Census proposes to amend the Foreign Trade Statistics Regulations (FTSR) to include an exemption for exporters who currently must file a Shipper's Export Declaration (SED) for temporary exports of tools of trade. This exemption would apply whenever the tools of trade are company-owned commodities and software, accompany the employees or representatives of the exporting company, and are intended to remain outside of the country for less than one year. The current regulation only allows an exemption for filing an SED when the tools of trade are owned by individuals. This exemption will still apply.

DATES: Written comments must be submitted on or before August 6, 1997.

ADDRESSES: Direct all written comments on this proposed rulemaking to the Director, Bureau of the Census, Room 2049, Federal Building 3, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to C. Harvey Monk, Jr., Chief, Foreign Trade Division, Bureau of the Census, Room 2104, Federal Building 3, Washington, D.C. 20233–6700, by telephone on (301) 457–2255 or by fax on (301) 457–2645.

SUPPLEMENTARY INFORMATION: The FTSR currently exempts tools of trade that are owned by individuals from the requirement to file an SED. However, for tools of trade owned by a company rather than an individual, the FTSR provides no such exemption. Companies doing business abroad have requested that the Census Bureau review the current regulation to allow an exemption to eliminate the SED filing requirement for company-owned tools of trade that accompany employees or representatives of the company for temporary use abroad.

Based upon our evaluation of these customer requests, the Census Bureau is proposing to broaden the current exemption criteria for filing SEDs to include an exemption for company-owned tools of trade.

Based upon reviews by the Bureau of Export Administration (BXA) and the U.S. Customs Service, the Census Bureau has determined that, *for statistical purposes,* it is not necessary to collect information on temporary exports of company-owned tools of trade that do not normally require an export license or that are exported without a license as specified in 15 CFR 740.9 of the BXA Export Administration Regulations (EAR). For SED filing exemption purposes, the Census Bureau will include certain provisions of 15 CFR 740.9 of the EAR in its criteria for exemptions to the SED filing requirements.

Therefore, the Bureau of the Census proposes to amend 15 CFR 30.56(b) to include an exemption to SED filing requirements for exports of company-owned tools of trade, which are reasonable kinds and quantities of commodities and software for use by employees or representatives of the company in its enterprises or undertakings abroad. Commodities and software would be eligible for export under this exemption provided that the commodities and software:

(1) Are owned by the individual or the exporting company;

(2) *Accompany* the individual exporter, employee or representative of the exporting company;

(3) Are necessary and appropriate and intended for the personal and/or business use of the individual exporter, employee or representative of the company or business;

(4) Are not for sale; and

(5) Are returned to the United States no later than one year from the date of export.

This revision to 15 CFR 30.56(b) is being considered to increase the conditional exemptions for tools of trade owned by individuals, companies and/or businesses and to minimize the reporting burden for filing an SED.

Rulemaking Requirements

This rule is exempt from all requirements of Section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. (A)(1)). However, this rule is being published as a proposed rule with an opportunity for public comment because of the importance of the issues raised by this rulemaking.

Because a notice of proposed rulemaking is not required by 5 U.S.C. 553 or any other law, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603(a)).

This rule has been determined to be not significant for purposes of Executive Order 12866.

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

Paperwork Reduction Act

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule covers collections of information subject to the provisions of the Paperwork Reduction Act, which are cleared by the Office of Management Budget under OMB control numbers 0607–0001, 0607–0018, and 0607–0152.

This rule will result in a reduction of reporting-hour burden requirements under provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, it is proposed that Part 30 be amended as follows:

PART 30—FOREIGN TRADE STATISTICS

1. The authority citation for 15 CFR Part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization Plan No. 5 of 1950 (3 CFR 1949–1953 Camp., 1004); Department of Commerce Organization Order No. 35–2A. August 4, 1975, 40 CFR 42765.

Subpart D—Exemptions From the Requirements for the Filing of Shipper's Export Declarations

2. Section 30.56(b); is proposed to be revised to read as follows:

§ 30.56 Conditional exemptions.

* * * * *

(b) Tools of Trade are usual and reasonable kinds and quantities of commodities and software, and their containers, that are intended for use by individual exporters or by employees or representatives of the exporting company in furthering the enterprises and undertakings of the exporter abroad. Commodities and software eligible for this exemption are those that do not normally require an export license or that are exported without a license as specified in 15 CFR 740.9 of the EAR and are subject to the following provisions:

(1) Are owned by the individual exporter or exporting company;

(2) *Accompany* the individual exporter, employee or representative of the exporting company;

(3) Are necessary and appropriate and intended for the personal and/or business use of the individual exporter, employee or representative of the company or business;

(4) Are not for sale; and

(5) Are returned to the United States no later than one year from the date of export.

* * * * *

Dated: June 23, 1997.

Bradford R. Huther,

Deputy Director and Chief Operating Officer, Bureau of the Census.

[FR Doc. 97–17653 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. 97N–0218]

RIN 0910–ZA01

Consideration of Codex Alimentarius Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is considering the amendment of its regulations that establish procedures for review and evaluation of standards adopted by the Codex Alimentarius Commission (Codex). Codex is an international body that establishes food standards under the joint auspices of the United Nations World Health Organization (WHO) and Food and Agriculture Organization (FAO). FDA is considering whether to establish procedures for the systematic review of standards and related texts adopted by Codex. This action has the potential to enhance consumer protection with regard to foods, to promote international harmonization, to enable FDA to better meet its public health mission, and to fulfill U.S. obligations under international agreements. The agency is soliciting comments from interested persons about whether to amend agency regulations to provide procedures for consideration of Codex standards, how to best set priorities and evaluate various Codex standards for possible acceptance by FDA, and how evaluation of each such standard could be accomplished in the most transparent, efficient, and resource-effective manner. FDA also invites comments on the agency's preliminary views on these matters.

DATES: Written comments by October 6, 1997.

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

FOR FURTHER INFORMATION CONTACT: John W. Jones, Office of Constituent Operations (HFS–550), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4311.

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Policy Regarding International Standards

Codex is an international food standard-setting organization composed of national Governments that establishes ''standards'' comparable in scope and intent to certain standards established by FDA. For the purpose of this notice, the term ''standard'' refers to any numerical limit, such as a tolerance, maximum residue limit or maximum use level; a commodity or food standard of identity or composition; a code of practice; a procedure; a guideline; a labeling requirement; and a method, general recommendation, or other related text that may be adopted by Codex through its formal eight-step procedure (Ref. 1, Codex Procedural Manual, Ninth ed., FAO/WHO Rome, 1995).

In a notice published in the **Federal Register** of October 11, 1995 (60 FR 53078), FDA articulated its policy regarding the development and use of standards with respect to the harmonization of various national and international regulatory requirements and guidelines. FDA's policy addressed specifically the conditions under which FDA plans to participate in international standard-setting organizations in the development of standards applicable to products regulated by FDA and defined the conditions under which the agency intends to use the resultant standards in fulfilling its statutory mandate to safeguard the public health.

The October 11, 1995, notice stated in part:

> It is the intent of this policy to enable FDA to: (1) Continue to participate in international standards activities that assist it in implementing statutory provisions for safeguarding the public health, (2) increase its efforts to harmonize its regulatory requirements with those of foreign governments, including setting new standards that better serve public health, and (3) respond to laws and policies such as the Trade Agreements Act and OMB Circular No. A–119 that encourage agencies to use international standards that provide the desired degree of protection.

The policy statement concluded that the agency's primary goal in participation in such standard-setting activities and use of resultant standards is to preserve and enhance its ability to accomplish FDA's public health mission, with the aim of enhancing regulatory effectiveness, providing more consumer protection with increasingly scarce government resources, and increasing worldwide consumer access to safe, effective, and high quality products.

B. International Agreements

The U.S. Government is a party to a number of international trade agreements. FDA has participated in a number of recent international trade negotiations to ensure that under such agreements, FDA regulatory practices can remain focused on fulfilling the agency's mission to protect the public health while being supportive of emerging, broader U.S. Government trade obligations and policies.

One of the agreements that emerged from the recent General Agreement on Tariffs and Trade (GATT) Uruguay Round of Multilateral Trade Negotiations is the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS agreement, Ref. 2). This agreement governs, among other things, measures intended: (1) To protect human or animal life or health within a territory from risks arising from additives, contaminants, toxins, or disease-causing organisms in foods, beverages, or feedstuffs; and (2) to protect human life or health within a territory from risks arising from diseases carried by animals, plants, or products thereof.

The SPS agreement requires that members of the World Trade Organization (WTO),[1] when establishing their own SPS measures, consider international standards, guidelines, or recommendations. A country is not required to use an international standard, but must have scientific justification to establish or maintain a more stringent measure to meet the country's chosen level of protection if that measure will impact on trade. As discussed in section II.B of this document, standards established by Codex regarding food and substances in food have a particular status under the SPS agreement.

A second relevant international agreement is the Agreement on Technical Barriers to Trade (TBT agreement, Ref. 3). The TBT agreement is intended to promote use by countries of standards, technical regulations, and conformity assessment procedures that are based on work done by international standard-setting bodies. In the TBT agreement, the term ''standard'' is defined as follows:

A document approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method.

Thus, FDA's stated policy on international standards and the nation's obligations under the WTO provide compelling impetus for FDA to consider whether to revise its existing system for review and evaluation of international food standards, and if so, how such a revised system might be designed.

II. Codex Alimentarius Commission

A. Codex Committees and U.S. Codex

Codex was created in 1962 by two United Nations organizations, FAO and WHO. The dual purpose of Codex is to protect the health of consumers and to ensure fair international trade in food. Codex currently has over 150 members. Codex elaborates numerical standards, codes of practice, and other guidelines through its committees (which include committees related to specific commodities and committees dealing with cross-cutting general subject areas) and promotes acceptance[2] and implementation of its standards by national Governments. Each committee is chaired by a host member country.

Codex currently has 8 general subject and 15 commodity committees. The general subject committees and their host countries are: (1) Food Labelling (Canada), (2) Food Additives and Contaminants (The Netherlands), (3) Food Hygiene (The United States), (4) Pesticide Residues (The Netherlands), (5) Residues of Veterinary Drugs in Foods (The United States), (6) Methods of Analysis and Sampling (Hungary), (7) Food Import and Export Inspection and Certification Systems (Australia), and (8) General Principles (France). The General Principles Committee oversees, maintains, and manages the Codex procedural rules.

The general subject committees work closely with scientific bodies established by FAO and WHO in developing Codex recommendations and standards. For example, the Joint Expert Committee on Food Additives (JECFA) and the Joint Meeting on Pesticide Residues (JMPR) are comprised of experts selected from member countries. JECFA and JMPR provide scientific advice and consultation on matters relevant to Codex's standard-setting activities. Specifically, JECFA advises the Codex Committee on Food Additives and Contaminants and the Codex Committee on Residues of Veterinary Drugs in Foods; JMPR advises the Codex Committee on Pesticide Residues. These scientific advisory bodies do not themselves establish Codex standards, but they provide the independent scientific review and scientific judgment necessary to assist the Codex committees with development of such standards.

In addition to the 8 general subject committees, there are 15 commodity committees,[3] of which 8 are still active. The active commodity committees and their host countries are: (1) Fish and Fishery Products (Norway), (2) Nutrition and Foods for Special Dietary Uses (Germany), (3) Fresh Fruits and Vegetables (Mexico), (4) Milk and Milk Products (New Zealand), (5) Fats and Oils (The United Kingdom), (6) Cocoa Products and Chocolate (Switzerland), (7) Natural Mineral Waters (Switzerland),[4] and (8) Processed Fruits and Vegetables (The United States).

The Codex commodity committees and general subject committees work cooperatively in that they consult one another on issues and defer particular issues to the committee with most appropriate authority and technical expertise.[5]

Since 1962, Codex has produced numerous standards, guidelines, codes of practice, and recommendations, including food commodity standards and general subject food standards. In the course of its work, Codex has evaluated the safety of over 500 food additives and contaminants and set maximum residue limits for

[1] The Final Act of the GATT Uruguay Round in 1993 and the Ministerial Meeting in Marrakesh in 1994 established the WTO. Agreements concluded during the GATT Uruguay Round Negotiations are to be administered by the WTO.

[2] Standards adopted by Codex are currently subject to various degrees of ''acceptance'' by national Governments using terms defined by Codex. Such terms as ''full acceptance'', ''non-acceptance'', and ''free distribution'' are currently employed to describe an importing country's intent to accept or reject an import shipment based on its compliance or noncompliance with applicable Codex standards. These terms of acceptance are currently under review by the Codex Committee on General Principles in order to update and refine them relative to the recent SPS and TBT agreements. The terms, *per se*, are not considered in this notice. Thus, the terms ''accept'' and ''acceptance'', as used in this document, are not intended to adhere to existing Codex definitions, practices, or procedures.

[3] Seven Codex commodity committees, having completed their current program of work, have been adjourned for the time being. One former committee, the Codex Committee on Meat, has been dissolved. The Codex commodity committees that have adjourned are: (1) Meat Hygiene; (2) Sugars; (3) Soups and Broths; (4) Edible Ices; (5) Vegetable Proteins; (6) Processed Meat and Poultry Products; and (7) Cereals, Pulses, and Legumes.

[4] This Committee was established by Codex as a Regional (European) Committee, but has since been allocated the task of elaborating world-wide standards for natural mineral waters.

[5] In addition to the committees, there are five regional coordinating committees (Africa, Asia, Europe, Latin America and the Caribbean, and North America and the Southwest Pacific). The purpose of the regional coordinating committees is to ensure that the Codex's work is responsive to regional interests, particularly to developing countries within each geographic region.

approximately 2,500 pesticide/commodity combinations. Codex has adopted maximum residue limits for 15 veterinary drugs.

The United States participates in Codex through U.S. Codex. U.S. Codex consists of Federal Government officials representing several Federal agencies, including FDA, and is assisted by representatives of industry and consumer non-government organizations (NGO's). Representatives of the United States have participated in deliberations of Codex since its inception in 1962. The United States sends delegations to participate in all Codex commodity and general subject committee meetings. FDA, through its participation on most Codex committees, provides scientific and regulatory expertise and conveys agency views on various matters concerning Codex standards, from elaboration to adoption. FDA officials also participate as independent experts on JECFA.

In a notice published in the **Federal Register** of June 4, 1996 (61 FR 28132), the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA), the lead Federal agency for coordination of U.S. Codex activities,[6] published the most recent annual summary of standards under consideration or planned for consideration by Codex to solicit input from persons and organizations on these standards. This annual notice is required by the Trade Agreements Act, as amended by the Uruguay Round Agreements Act, 108 Stat. 4809 (1994).

Future annual notices by USDA/FSIS will continue to inform interested parties of matters before the various Codex committees. This mechanism provides the public with comprehensive and current information, in one place, on all Codex activities and facilitates public participation in the Codex standard-setting process. Thus, through various U.S. Codex outreach activities such as pre- and post-session briefings for the public, mailings, and the opportunity for direct participation by NGO's on U.S. Codex delegations, interested persons and organizations can contribute substantively to the elaboration and eventual adoption of Codex standards.

[6] Section 491 of the Trade Agreements Act of 1979, as amended by the Uruguay Round Agreements Act, Public L. 103–465, 108 Stat. 4809 (1994) requires an annual notice of Codex activities. Presidential Proclamation No. 6780 (60 FR 15845, March 23, 1995) designates USDA/FSIS as the agency responsible for coordinating U.S. Codex activities.

B. Role of Codex Standards Under the SPS and TBT Agreements of the WTO

For the past 6 years, Codex has been engaged in a process of revising a large proportion of its standards. In March 1991, in anticipation of the changing status of Codex standards under the SPS and TBT agreements then being negotiated in the GATT Uruguay Round, WHO and FAO, in cooperation with GATT, sponsored the FAO/WHO Conference on Food Standards and Chemicals in Food and Food Trade. This 1991 Conference in Rome (Ref. 4, ALICOM 91/22, FAO, WHO, GATT, Rome 1991) made a number of recommendations on how the then-existing Codex standard-setting process could be improved to better meet the anticipated role of Codex standards under the SPS and TBT agreements. The Rome meeting anticipated the SPS agreement's reference to, and reliance upon, international standards, guidelines, and recommendations, specifically those elaborated by Codex (SPS agreement introductory statements, Art. 3.4, and Annex A, 3.a). Although the TBT agreement does not specifically refer to Codex standards, Codex does qualify as an international standard-setting body under the TBT agreement when Codex elaborates and adopts international standards not related to SPS food safety matters. Thus, the provisions of some Codex standards fall within the terms of the TBT agreement.

Among the Conference's more significant recommendations intended to position Codex to meet its anticipated role were several that addressed streamlining existing Codex standards and the process by which new standards are developed. Specifically, the Conference recommended that Codex move toward a more horizontal approach to standard-setting, i.e., away from detailed, commodity-specific standards and toward more broadly applicable, general subject standards. The Conference also recommended that standards adopted include only those provisions necessary for consumer protection, particularly those related to health and food safety.

Most recommendations made by the Conference were subsequently adopted by Codex at its 19th session in 1991. At its 20th session in 1993, Codex adopted a Medium Term Program of Work for 1993 to 1998 (Medium Term Plan, Ref. 5, ALINORM 93/38 and Addenda) which outlines the anticipated standard-setting activities of Codex (including numerical standards and related texts) over the next 5 years and incorporates the 1991 Conference recommendations.

III. Possible FDA Strategy for Review of Codex Standards

In 1973, FDA established a regulation describing the process for the review of commodity standards adopted by Codex (§§ 130.6 and 564.6 (21 CFR 130.6 and 564.5)).[7] These regulations apply only to Codex commodity standards for human and animal foods, respectively, and not to Codex general subject standards such as numerical standards for chemical contaminants in foods or codes of practice for employing food hygiene procedures. Currently, the agency has no process defined by regulation for the consideration of general subject, also known as horizontal, standards. FDA is considering revising its regulations to accommodate agency review and acceptance of Codex general subject standards. It is important to note that the Codex Committee on General Principles at its November 1996 session recognized that all Codex standards and related texts, including maximum residue limits, codes of practice, and guidelines fall under the SPS rubric of international standards, guidelines, and recommendations. Therefore, FDA has tentatively concluded that the agency should have a procedure for review of all Codex standards falling within its purview.

The agency is considering devoting substantial effort toward the review and evaluation of Codex standards, perhaps focusing on those standards adopted since 1993 and presented in the Medium Term Plan. It may, however, be appropriate to consider the review of some pre-1993 Codex standards, for example, when: (1) An interested party petitions the agency to accept a pre-1993 Codex standard and provides information to enable a review, (2) the agency plans to issue a new FDA regulation (or revise an existing regulation) and an existing Codex standard is relevant to the new regulation,[8] or (3) the United States is

[7] This regulation was originally issued as 21 CFR 10.8 and was redesignated subsequently as §§ 130.6 (Part 130--Food Standards: General) and 564.6 (Part 564--Definitions and Standards for Animal Food).

[8] As an example of this type of situation, current FDA standards of identity regulations are often very specific for particular foods. Virtually all of these standards of identity regulations were established prior to the passage of the Nutrition Labeling and Education Act of 1990 (Pub. L. 101–535, November 8, 1990) (the 1990 NLEA amendments) and thus, were developed without reference to the significant informational function that a food label can play. For example, prior to the 1990 amendments, standarized foods were not required to bear complete ingredient labeling. In light of this and other factors, FDA published an Advance Notice of Proposed Rulemaking (60 FR 67492, December 29, 1995) announcing that the agency intends to review its regulations pertaining to identity, quality, and

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challenged in an international trade situation where another country cites as supporting information an existing Codex standard.

IV. Request for Information

A. FDA's Possible Strategy for Consideration of Codex Standards

FDA notes that, faced with competing food safety priorities, it may not be able to devote the resources necessary to fulfill all of its responsibilities in an efficient and timely manner. In light of this, FDA invites general comment on the relative importance of its Codex activities in comparison to its other food safety and regulatory responsibilities. In particular, FDA requests comments on the following questions:

1. What is the appropriate priority of the agency's activities in Codex in light of U.S. obligations under the WTO?
2. How might FDA enhance its ability to fulfill its broad public health mandate through judicious acceptance and use of Codex standards?
3. Are there reasons that the agency should not expend resources in the review and consideration of Codex standards?
4. If there are reasons that FDA should not expend resources on the review of Codex standards, are these reasons compelling considering U.S. obligations under the WTO?
5. How can review of Codex standards be incorporated efficiently into current FDA standard setting processes?
6. Can resource savings be achieved without compromising consumer protection?

If the agency concludes that it is appropriate to propose to revise its regulations to accommodate consideration of Codex standards, FDA plans to develop and publish a proposal outlining specific revisions. To facilitate the agency's consideration of possible alternative approaches, FDA requests comments on the following questions:

1. What revisions to existing FDA regulations or what new regulations are appropriate?
2. If the agency eventually does undertake systematic review of Codex standards, FDA is faced with deciding on how best to proceed with review and evaluation of many newly adopted and some existing Codex standards with regard to the acceptability of such standards relative to existing FDA standards. What factors should the agency consider to guide its priority setting and the efficient review and evaluation of these Codex standards during any such review?

Codex standards adopted since 1993 reflect strengthening of the standard setting process to enhance consumer protection and to accommodate the more prominent role of Codex standards under the SPS and TBT agreements. Because Codex standards adopted from 1993 forward are intended to reflect the new role of Codex standards under the WTO trade agreements, FDA is considering focusing its resources for review of Codex standards on those standards adopted since 1993 as articulated in the Codex Medium Term Plan and in its future updates. In this context, FDA requests comments on the following questions:

1. Should FDA give priority to those Codex standards adopted since 1993?
2. Alternatively, should FDA attempt systematic review of all existing Codex standards?
3. What are the resource implications of an approach requiring review of all existing Codex standards?
4. Are there cost-efficient means for FDA to review all Codex standards?
5. If only certain pre-1993 Codex standards merit consideration for review by FDA, what circumstances would warrant FDA consideration of a pre-1993 Codex standard?
6. How do existing Codex standards currently affect U.S. imports and exports?
7. Are there specific Codex standards that have significant trade impacts?
8. Are there specific Codex standards that are of particular importance due to safety or other concerns?
9. In the case of a person or organization that specifically petitions FDA to review a particular Codex standard, how might FDA best guide the petitioner to submit appropriate background information? Should FDA encourage the submission of draft language that could be used as a basis for a proposed FDA regulation governing the particular issue?
10. What are the potential benefits and costs to U.S. consumers and businesses of FDA consideration, acceptance and use of some specific Codex standards?
11. What costs are associated with researching and summarizing information necessary to compare a Codex standard with an FDA standard? How do these costs vary according to the complexity of the standard?

Upon consideration of a Codex standard, FDA believes that it will be faced with the following four situations with regard to standards that the agency believes to be suitable for FDA acceptance: (1) The standard is substantively identical to FDA's regulations; (2) the standard is similar but not identical to FDA's regulations; (3) although the standard is not identical or similar to FDA's regulations, FDA wishes to propose to accept the Codex standard to further its public health mission and such acceptance will require rulemaking under the Federal Food, Drug, and Cosmetic Act (the act); (4) or the standard is not identical to or similar to any FDA regulation, and the adoption of the Codex standard is not subject to rulemaking under the act. In addition to these four situations where the agency might wish to accept a Codex standard, FDA might wish, instead, to reject a particular Codex standard because the standard fails to provide the appropriate level of protection for U.S. consumers.

There are various procedural approaches that the agency might use to address these situations. In a case where a Codex standard is essentially identical to an FDA regulation, the agency might elect only to publish a **Federal Register** notice recognizing the substantive equivalence of the Codex standard to FDA's standard. Where a Codex standard is very similar, but not identical, to an FDA standard, the agency might publish a proposal for comment to amend FDA's regulations slightly to bring the agency's regulations into conformity with the Codex standard. More complex proposals and associated rulemaking would likely be required when FDA wishes to accept a Codex standard that is substantively different from an FDA regulation, but that the agency believes would provide a greater degree of public health protection than an existing FDA standard. Such a situation would likely entail significant revision to the existing FDA regulation with corresponding greater opportunities for public comment on the proposed, substantive revisions.

In light of the need for FDA to accomplish any review, consideration, and determination of acceptability of Codex standards in as efficient a manner as possible, and recognizing that there

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fill of container for standardized foods with the intent of simplifying the regulations where practicable and taking into account the impact of the 1990 NLEA amendments.

As part of any rulemaking growing out of the December 1995 ANPR, and in keeping with FDA's obligations under international trade agreements to consider Codex standards whenever the agency develops or revises regulations, FDA intends to review corresponding Codex commodity standards (including those adopted before 1993) concurrently with its planned review and evaluation of FDA standards pertaining to identity, quality, and fill of container and to determine whether the corresponding provisions in the Codex standard should be incorporated entirely or partially into any revised FDA standard. In this context, it should be noted that FDA has not yet determined the best means for streamlining domestic commodity standards and the eventual approach chosen for evaluation of relevant Codex standards will depend significantly on this determination.

are a large number of Codex standards that may vary greatly in their complexity and their actual impact on U.S. public health protection, FDA invites comments on approaches the agency might employ to achieve the most resource-efficient reviews.

FDA is considering amending its current regulations by removing §§ 130.6 and 564.6 and establishing a new section to describe procedures that the agency would use when it considers Codex standards for acceptance. To date, FDA has identified the following goals for the proposed amendments it is considering: (1) To be certain that any process used by FDA for reviewing standards adopted by Codex ensures that food conforming to a Codex standard is safe within the meaning of the act, (2) to ensure that FDA's review and consideration of Codex standards is transparent and science-based, (3) to clarify the procedures for FDA's consideration of commodity and general subject standards adopted by Codex, (4) to clarify when rulemaking is necessary as part of the agency's consideration of a standard adopted by Codex, and (5) to ensure that FDA's regulations for consideration of Codex standards are appropriate for all Codex standards and related texts.

The agency seeks comment on whether to proceed with a proposal to establish new regulations governing agency consideration of Codex standards. What goals, in addition to those listed previously, should be considered by the agency in developing any new regulations governing consideration of Codex standards?

B. Public Participation

1. FDA Notice of Newly Adopted Codex Standards

In the event that FDA proposes to establish a systematic review and evaluation procedure for Codex standards, the agency has tentatively concluded that it would be important to establish a mechanism to solicit active public participation in its consideration of such standards. Therefore, the agency is considering what procedures, including notice and comment procedures, could be utilized that would be appropriate, efficient, and would facilitate review, evaluation, and public notification of agency determinations regarding Codex standards. One approach under consideration is to have FDA, after each meeting of the Codex Alimentarius Commission, announce publicly those standards, codes of practice, guidelines, and related texts adopted by Codex at that session that fall within FDA's jurisdictional areas. This could be accomplished through notice in the **Federal Register** announcing adoption by Codex of the standard(s) and requesting interested parties to provide FDA with pertinent information and comments concerning the particular Codex standard(s).

Under such an approach, the **Federal Register** notice could:

1. Describe the nature of the Codex standard and its comparability to an FDA regulation or another measure;

2. Provide FDA's preliminary views on the Codex standard's provisions, including its potential for acceptance by FDA, and whether rulemaking would be necessary;

3. Describe information the agency would need for adequate evaluation of the standard;

4. Invite interested persons to provide information relevant to the evaluation of the standard and to the assessment of the relative importance of the particular Codex standard(s) to public health protection and international trade; and

5. State the agency's preliminary plans to perform substantive review of the standard.

In light of any comments received in response to such a notice and other available information bearing on the potential of the new Codex standard to further FDA's public health mission, FDA would be better positioned to determine the priority to attach to review and evaluation of the standard(s) and would have sufficient information on which to base an initial determination of whether to accept the new Codex standard.

The agency seeks comment on whether a notice such as suggested in this section is an appropriate means to notify the public initially of the adoption of a standard by Codex. If not, what alternative approach should be considered? Are any supplemental notification methods appropriate and, if so, what methods? For example, should the agency consider complementary notification mechanisms such as use of internet sites or public meetings? Is there information (in addition to that identified previously) that an initial public notice should contain?

2. Enlisting Assistance of Expertise Outside of FDA

The potentially large number of standards that may emerge from the Codex process requires the agency to consider alternatives for providing adequate resources for the review of Codex standards, particularly in identifying expertise in a specific subject or commodity area.

One possible approach to facilitate the review process is to enlist expertise outside of FDA to participate actively in the technical examination of Codex standards for the purpose of determining similarities and differences between the Codex standards and FDA standards. The agency has tentatively concluded that actively soliciting outside technical assistance from industry, academia, consumer representatives, and other interested persons with knowledge and expertise in a given subject or product area should be considered as an approach to cataloguing, performing technical comparisons, setting priorities for review of new Codex standards, and perhaps preparing draft documents that might serve as the basis for eventual FDA regulations. FDA's current view is that such non-FDA expertise would be used primarily for comparing the technical aspects of a Codex standard and an FDA regulation, such as a side-by-side comparison.

To what extent, and how, should FDA utilize outside expertise such as that which exists in the affected industries to assist with the task of setting priorities for review of Codex standards and otherwise facilitating agency evaluation of Codex standards? For example, both the Codex commodity standards and FDA's food standards established under section 401 of the act (21 U.S.C. 341) are currently being reviewed and revised (60 FR 67492). Should FDA consider a process that draws upon non-FDA expertise to assist with review of FDA standards of identity regulations and Codex commodity standards? If so, how might expertise outside of FDA be utilized to review existing Codex and FDA standards, to assist FDA in establishing priorities for review of such Codex standards relative to their importance in consumer protection and the international trade for the particular commodity, and to prepare detailed technical reports comparing the Codex and FDA standards? Are there any limitations - legal, practical, or otherwise - on FDA's utilization of such experts as part of any agency process established to review and evaluate Codex standards? If so, what are those limitations?

Are there any other circumstances besides the previous example in which the utilization of non-FDA expertise could facilitate FDA's review, evaluation, and acceptance of Codex standards? How can FDA increase general participation of outside experts, including consumers, industry representatives and others, in facilitating the agency's setting of priorities and review of Codex

standards? What are the benefits and costs of participation by non-FDA experts in the review and evaluation of Codex standards? Are there any drawbacks to such participation by non-FDA experts in agency review of Codex standards?

3. Assessing Impact on Small Business

The Regulatory Flexibility Act (Pub. L. 105–121 (5 U.S.C. 601–612)) requires agencies to analyze the impact of regulations on small entities. How can FDA take into account the special concerns of small businesses in FDA's consideration of Codex standards? What is the likely impact on small entities of a program of formal review and acceptance of Codex standards? What issues, if any, would have a disproportionately large impact on small entities or would place small entities at a disadvantage relative to large entities? Are there particular features to a system for review and acceptance of Codex standards that would minimize the impact on small entities?

C. Maintenance of Public File of FDA Determinations Regarding Codex Standards

The agency anticipates that if a process for reviewing Codex standards is adopted, FDA determinations in response to standards adopted by Codex will be published in the **Federal Register** either by notice or by rulemaking. The agency currently plans to maintain a public docket pertinent to each such **Federal Register** publication. In addition, FDA believes that it may be appropriate to provide copies of all final FDA determinations regarding Codex standards to the Office of the U.S Codex (FSIS/USDA) for maintenance in a public file. FDA believes that the Office of the U.S. Codex is positioned to maintain this information, along with Codex-related documents from other U.S. Federal agencies, as a comprehensive record readily accessible by the public. The agency specifically requests comments on this approach. In addition, FDA requests comments on alternative approaches.

V. References

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

1. Procedural Manual, Codex Alimentarius Commission, Ninth Ed., Food and Agriculture Organization/World Health Organization, Rome 1995.

2. Agreement on the Application of Sanitary and Phytosanitary Measures, in *The Results of the Uruguay Round of Multilateral Trade Negotiations--The Legal Texts*, p. 69, World Trade Organization, Geneva 1995.

3. Agreement on Technical Barriers to Trade, in *The Results of the Uruguay Round of Multilateral Trade Negotiations--The Legal Texts*, p. 138, World Trade Organization, Geneva 1995.

4. FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade (in cooperation with GATT), vol. 1, Report of Conference, ALICOM 91–22, FAO/WHO/GATT, Rome 1991.

5. Proposed Medium Term Plan for the Codex Alimentarius Commission 1993–1998, ALINORM 93/38, Codex Alimentarius Commission Twentieth Session, Geneva 1993.

Dated: June 10, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–17515 Filed 7–3–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH–242–FOR]

Ohio Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter the ''Ohio program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Ohio rules pertaining to attorney fees. The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations and was submitted in response to a required amendment at 30 CFR 935.16.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.], August 6, 1997. If requested, a public hearing on the proposed amendment will be held on August 1, 1997. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on July 22, 1997.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

Copies of the Ohio program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2153.

Ohio Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43224, Telephone: (614) 265–1076

FOR FURTHER INFORMATION CONTACT: George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Telephone: (412) 937–2153.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, **Federal Register** (42 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated June 24, 1997, (Administrative Record No. OH–2173–00) Ohio submitted a proposed amendment to its program pursuant to SMCRA and in response to a required amendment at 30 CFR 935.16. The provision of the Ohio Revised Code (ORC) that Ohio proposes to amend is: ORC 1531:13—Appeal of Violation. Specifically, Ohio is proposing that a permittee may file a request for an award to the permittee of the costs and expenses, including attorney's fees, reasonably incurred by the permittee in connection with an appeal. Ohio may assess those costs and expenses against a party who initiated, or participated in, the appeal if the permittee demonstrates that the party initiated or participated in the appeal in bad faith and for the purpose of harassing or embarrassing the permittee. The Division of Mines and Reclamation may file with the Commission a request for an award of the attorney's fees.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on July 22, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 27, 1997.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97–17588 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 105–0041b; FRL–5844–1]

Approval and Promulgation of Implementation Plan for Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules submitted by the State of California on behalf of the Yolo-Solano Air Quality Management District (the District) for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) with regard to new source review (NSR).

The intended effect of proposing approval of these rules is to control air pollution in accordance with the requirements of the Act. In the final rules section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are

received in response to this proposed action, no further activity is contemplated in relation to this proposal. If EPA receives adverse comments, the direct final approval will be withdrawn and all public comments received will be addressed in a subsequent final action based on this proposal. EPA will not institute a second public comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by August 6, 1997.

ADDRESSES: Written comments on this action should be addressed to: Steve Ringer, Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Permitting Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Yolo-Solano Air Quality Management District, 1947 Galileo Ct., Suite 103, Davis, CA 95616.

FOR FURTHER INFORMATION CONTACT: Steve Ringer at (415) 744–1260.

SUPPLEMENTARY INFORMATION: EPA is proposing to approve the following rules into the SIP:

Rule 3.1—General Permit Requirement; Rule 3.2—Exemptions;

Rule 3.4—New Source review; Rule 3.14—Emission Reduction Credits; and Rule 3.15—Priority Reserve. Rule 3.1 was adopted by the District Board of Directors on February 23, 1994, and submitted to EPA as an amendment to the SIP on October 19, 1994. Rule 3.2 was adopted by the District on August 25, 1993, and submitted to EPA on March 29, 1994. Rule 3.4 was adopted by the District on December 11, 1996, and submitted to EPA on March 26, 1997. Rules 3.14 and 3.15 were adopted by the District on September 22, 1993, and submitted to EPA on March 29, 1994.

For further information, please see the information provided in the direct final action which is located in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 4, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–17598 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–145, RM–9091]

Radio Broadcasting Services; Glen Rose and Stamford, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Cleburne Radio, Inc., licensee of Station KCLE–FM, requesting the substitution of Channel 221C1 for Channel 221C2 at Glen Rose and modification of Station KCLE–FM's license accordingly. Petitioner also requests the substitution of Channel 295A for Channel 221C2 at Stamford, Texas, and modification of M & M Broadcasting's construction permit to specify the Class A channel. Channel 221C1 and Channel 295A can be allotted to Glen Rose and Stamford, Texas, respectively, in compliance with the Commission's minimum distance separation requirements at the sites specified by Cleburne. The coordinates for Channel 221C1 at Glen Rose are 32–16–30 NL and 98–08–30 WL. The coordinates for Channel 295A at Stamford are 32–58–21 NL and 99–48–32 WL. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 221C1 at Glen Rose or require petitioner to demonstrate the availability of an additional equivalent class channel.

DATES: Comments must be filed on or before August 11, 1997, and reply comments on or before August 26, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John J. McVeigh, Bernstein and McVeigh, 1818 N Street, Suite 700, Washington, D.C. 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–145, adopted June 11, 1997, and released June 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–17570 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 7, 8, 15, 16, 17, 22, 27, 28, 31, 32, 35, 42, 43, 44, 45, 49, 51, 52, and 53

[FAR Case 95–013]

RIN 9000–AH60

Federal Acquisition Regulation; Government Property

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The public comment period on the proposed rule, Government Property, which was published in the **Federal Register** at 62 FR 30186, June 2, 1997, is extended from August 1, 1997, through August 15, 1997. The rule

would amend the Federal Acquisition Regulation (FAR) to simplify procedures and eliminate requirements related to the management and disposition of Government property in the possession of contractors. It will replace FAR Parts 45 and 52.245 and makes conforming changes to FAR Parts 4, 7, 8, 15, 16, 17, 22, 27, 28, 31, 32, 35, 42, 43, 44, 49, 51, 52, and 53. The comment period is extended in order to accommodate public requests for an extension.

DATES: Comments on the proposed rule should be submitted in writing to the FAR Secretariat at the address shown below on or before August 15, 1997.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

E–mail comments submitted over Internet should be addressed to farcase.95–013@gsa.gov. Please cite FAR case 95–013 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy (703) 695–1097/1098 (E–Mail: moyac@acq.osd.mil), or Ms. Linda Klein at (202) 501–3775.

List of Subjects in 48 CFR Parts 4, 7, 8, 15, 16, 17, 22, 27, 28, 31, 32, 35, 42, 43, 44, 45, 49, 51, 52, and 53

Government procurement.

Dated: July 1, 1997.

Jeremy C. Olson,

Acting Director, Federal Acquisition Policy Division.

[FR Doc. 97–17626 Filed 7–3–97; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 97–44; Notice 01]

RIN 2127–AG48

Federal Motor Vehicle Safety Standards; Seat Belt Assemblies

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In response to a petition from the Association of International Automobile Manufacturers, Inc. (AIAM), this document proposes to amend Standard No. 209, *Seat Belt Assemblies,* by deleting the requirement in S4.1(b) that the lap belt portion of a safety belt system be designed to remain on the pelvis under all conditions. The agency has tentatively determined that other provisions in Standard No. 209, and provisions in Standard No. 208, *Occupant Crash Protection,* and Standard No. 210, *Seat Belt Assembly Anchorages,* provide adequate and more readily enforceable requirements for pelvic restraint. Therefore, the agency believes that deleting the pelvic restraint requirement in Standard No. 209 would cause no detriment to safety. This proposal is consistent with the President's Regulatory Reinvention Initiative, which directs Federal agencies to identify and eliminate unnecessary Federal Regulations.

DATES: *Comment Date:* Comments must be received by September 5, 1997.

Proposed Effective Date: If adopted, the proposed amendments would become effective September 1, 1998.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Mr. John Lee, Office of Crashworthiness Standards, NPS–11, telephone (202) 366–4924, facsimile (202) 366–4329, electronic mail ''jlee@nhtsa.dot.gov''.

For legal issues: Mr. Edward Glancy, Office of the Chief Counsel, NCC–20, telephone (202) 366–2992, facsimile (202) 366–3820, electronic mail ''eglancy@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION:

I. Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies,* specifies requirements for seat belt assemblies, including the pelvic restraint and the upper torso restraint. Other requirements address the release mechanism, the attachment hardware, the adjustment, the webbing, the strap, and marking and other informational instructions. Standard No. 209 was patterned after an existing Department of Commerce standard, which was adopted from a Society of Automotive Engineers (SAE) standard. (29 FR 16973, December 11, 1964)

In Standard No. 209, section S4.1(b) *Pelvic restraint* states:

> A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in S4.1 to S4.4.

No National Highway Traffic Safety Administration (NHTSA) rulemaking proceeding, SAE, or Department of Commerce standard has discussed the rationale of S4.1 (b). The agency believes that the main purpose of having S4.1(b) is to ensure that the lap belt remains on the pelvis, to provide a strong, bony support for belt loads incurred during a crash, rather than imposing the loads on the soft, abdominal region or the femurs. The iliac crest of the pelvic bone provides a natural ''detent'' which helps to retain the belt on the pelvic bone.

Submarining which may occur in a crash tends to displace the lap belt from its optimum position on the pelvis and moves it to the more vulnerable, soft abdominal area.

In response to a letter from Mr. H. George Johannessen of the Automotive Occupant Restraint Council asking about the meaning of S4.1(b), NHTSA issued an interpretation letter dated August 11, 1991 that stated:

> * * * we believe that the requirement of S4.1(b) of Standard No. 209 means that safety belts must be designed to be capable of being properly adjusted and positioned on the pelvis of occupants ranging from 6-year-old children to 95th percentile adult males. The belts must also be capable of remaining on the pelvis of such occupants during collision or roll-over. A belt system that was not capable of being positioned on the pelvis and remaining there during crashes would not comply with S4.1(b).

II. Rulemaking Petition

On May 24, 1996, the Association of International Automobile Manufacturers, Inc. (AIAM) petitioned NHTSA to delete S4.1(b) of Standard No. 209. That organization stated that this provision was an appropriate candidate for deletion in accordance with the President's Regulatory Reinvention Initiative, which directed Federal agencies to identify rules that are unnecessary or that should be clarified.

AIAM stated that the phrase ''designed to remain on the pelvis under all conditions'' was redundant of other, more specific and more stringent requirements in Standard No. 208, *Occupant Crash Protection,* Standard No. 209, and Standard No. 210, *Seat Belt Assembly Anchorages,* which already provide specific requirements about pelvic restraint. As an example,

that organization stated that Section S7.1.1 of Standard No. 208 requires that safety belts be adjustable to fit ''persons whose dimensions range from those of a 50th percentile 6 year old child to those of a 95th percentile adult (male).'' In addition, the petitioner claimed that the range of adjustment in Standard No. 208 is more stringent than Standard No. 209.

AIAM stated that Standard No. 209 does not appear to be addressing safety belt performance issues as effectively as Standard No. 208 and Standard No. 210 have addressed them in recent years. AIAM listed several examples of improvements to safety belt performance in FMVSS No. 208 (e.g., improved comfort, dynamic testing of manual safety belts, lap/shoulder belts in rear outboard seating positions, etc.) and FMVSS No. 210 (e.g., 30 degree lap belt angle).

AIAM further stated that the only rulemaking proceeding involving Standard No. 209 in recent years was one that removed obsolete provisions and reconciled the requirements of Standard No. 209 with Standard No. 208's dynamic testing requirements.

III. NHTSA Response and Proposal

NHTSA tentatively concludes that S4.1(b) is not an effective requirement as currently drafted. It needs to be either clarified or deleted. The provision ''* * * the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over * * *'' raises a question: If a lap belt does not remain on the pelvis during a crash, is that sufficient to establish that the belt is not ''designed'' to remain on the pelvis under all conditions? Further, the meaning of the words, ''remain on the pelvis,'' is unclear. Thus, the requirement appears to be unenforceable in its current form and is a candidate for regulatory reform.

After reviewing the available information, NHTSA has decided to propose amending Standard No. 209 by deleting S4.1(b). The agency believes that Standard No. 208, other provisions in Standard No. 209, and Standard No. 210 contain adequate and more specific requirements that together ensure effective pelvic restraint. The fitting requirements of Standard No. 208 establish requirements that the lap belt portion of the safety belt must fit persons from a six-year-old child to a 95th percentile adult male. Two other requirements, one in Standard No. 210 and the other in Standard No. 209 itself, specify safety belt fit and reduce the likelihood of occupant submarining. The agency amended S4.3.1 of Standard No. 210 in 1990 to increase the minimum lap belt angle to 30 degrees, specifically to improve belt fit and reduce the potential of occupant submarining. (55 FR 17970, April 30, 1990) In addition, section S4.3(j) of Standard No. 209 requires that an emergency-locking retractor lock before the webbing extends one inch when the retractor is subjected to an acceleration of 0.7g. This requirement prevents belt webbing from playing out in a crash. NHTSA tentatively concludes that the fitting requirements in Standard No. 208 together with the lap belt angle in Standard No. 210 and emergency-locking retractor requirements in Standard No. 209 provide assurance that the lap belt would reduce the likelihood of occupant submarining.

Based on these considerations, the agency believes that deleting the pelvic restraint requirement in section S4.1(b) of Standard No. 209 would cause no detriment to safety, and is accordingly proposing to delete it.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be not ''significant'' under the Department of Transportation's regulatory policies and procedures. There would be no apparent cost savings or added costs. Deletion of this section would not result in any manufacturing changes or deletion of compliance tests. There are no apparent benefits (other than the deletion of a requirement that does not add to safety) or disbenefits. Deletion of this section should not result in any design or performance changes on motor vehicle restraints.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate a significant economic impact on any manufacturer from this proposal.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21.) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 of title 49 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.209 would be amended by removing and reserving S4.1(b) to read as follows:

§ 571.209 Standard No. 209, Seat Belt Assemblies.

* * * * *

S4.1 * * *

(b) [Reserved]

* * * * *

Issued on: June 30, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–17628 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 62, No. 129
Monday, July 7, 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

Forest Service

Arapahoe Basin Ski Area Master Development Plan, Arapaho National Forest, (Administered by the White River National Forest), Summit County, Colorado

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare environmental impact statement.

SUMMARY: On August 9, 1996, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) to analyze and disclose the effects of a Master Development Plan for Arapahoe Basin Ski Area (A–Basin) was published in the **Federal Register** (pages 41562 to 41563). The Master Development Plan would update the 1982 plan presently in effect and outlines a number of ski area modifications and new facilities, including limited snowmaking.

The NOI stated that the draft EIS would be published in late 1996 or early 1997 and the final EIS would be completed in mid 1997. This project has been delayed in order to analyze another stream as a potential water source for the snowmaking. Additional stream studies will be completed in the summer and fall of 1997. We now expect to publish the draft EIS in early 1998, to ask for public comment for a period of 45 days, and to complete a final EIS in mid 1998.

DATES: The formal scoping period ended September 7, 1996, however comments from interested parties and agencies are still being accepted.

ADDRESSES: Send written correspondence to: Tere O'Rourke, District Ranger, U.S. Forest Service, P.O. Box 620, 680 Blue River Parkway, Silverthorne, CO, 80498 or FAX to (970) 468–7735.

FOR FURTHER INFORMATION CONTACT: Wendy Bailey, NEPA Coordinator, (970) 468–5400.

SUPPLEMENTARY INFORMATION: The Arapahoe Basin Master Development Plan (MDP) was completed in 1996 to update the 1982 Arapahoe Basin Ski Area Master Plan (1982 Plan). The 1982 Plan currently guides the Forest Service in their administration of the ski area's Special Use Permit. A majority of the upgrades described in the 1982 Plan have been implemented, with the exception of the proposed snowmaking facilities. Given the age and status of the 1982 Plan, the Forest Service and A-Basin determined that an updated plan would be appropriate at this time.

The purpose of and need for the proposed MDP are as follows:

—Update the 1982 Plan which is outdated (almost 15 years old). Most of the improvements described in the 1982 Plan have been implemented. In addition, new ski area technologies, planning strategies, and environmental philosophies have emerged during this time which warrant consideration in an updated plan.

—Increase summer recreational opportunities at A-Basin, potentially to include off-season alpine skiing, mountain biking, interpretive trails, and an alpine slide.

—Provide off-season public skiing opportunities and race camp experiences for young racers through the use of snowmaking to cover approximately 15–30% of the skiable terrain at A-Basin. This would also provide for fall training facilities for the U.S. Ski Team (USST).

—Upgrade and improve restaurant, parking, patrol headquarters, and other facilities at the resort.

—Encourage year—round use of the facilities while maintaining the resort character.

The decision to be made is whether or not to approve and accept the proposed MDP as a portion of the existing special use permit. The range of preliminary alternatives include Alternative A (No Action, Status Quo), Alternative B (Proposed Action: A-Basin MDP), and Alternative C (Modified Proposed Action, with conventional smowmaking and no alpine slide).

Public comment was received in response to the August 9, 1996 Notice of Intent. Newsletters have been mailed to the public and two public meetings were held in August, 1996. The comments received have been analyzed and distilled into a set of preliminary analysis issues which include: recreation/resort experience, user conflicts/safety/skier density, hydrologic basin capacity, water quality and tundra ecosystem.

A U.S. Army Corps of Engineers ''404 Permit'' for dredging and filling waters and/or wetlands may be required. The Forest Service has requested the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to cooperate in the environmental analysis.

We expect to publish the draft environmental impact statement in early 1998, to ask for public comment for a period of 45 days, and to complete a final environmental impact statement in mid 1998. The 45-day public comment period on the draft EIS will commence on the day the Environmental Protection Agency publishes a ''Notice of Availability'' in the **Federal Register**. The responsible official will be the Forest Supervisor, White River National Forest, P.O. Box 948, Glenwood Springs, CO, 81602.

The Forest Service believes that it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel, 803 F.2d, 1016, 1022 (9th Cir. 1986) and Wisconsin Heritages, Inc.* v. *Harris, 490 F.Supp. 1334, 1338, (E.D. Wis. 1980).* Because of these court rulings it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: June 25, 1997.

Ben L. Del Villar,

Acting Forest Supervisor.

[FR Doc. 97–17554 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–BW–M

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Klamath Provincial Advisory Committee will meet on July 24 and 25, 1997 at the Shilo Inn Suites Hotel Klamath Lake Conference Room, 2500 Almond Street, Klamath Falls, Oregon. On July 24, the meeting will begin at 9 a.m. and adjourn at 5 p.m. The meeting on July 25 will be a field trip starting at 8 a.m. and adjourn at 3 p.m. Agenda items to be covered include: (1) Klamath PAC salvage subcommittee recommendation update; (2) Regional Interagency Executive Committee and PAC relationship discussion; (3) Subcommittee Reports; and (4) public comment periods. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT:

Connie Hendryx, USDA, Klamath National Forest, at 1312 Fairlane Road, Yreka, California 96097; telephone, 916–842–6131, (FTS) 700–467–1309.

Dated: June 27, 1997.

Nancy J. Gibson,

Administrative Officer.

[FR Doc. 97–17644 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Willamette PIEC Advisory Committee will meet on Friday, July 11, 1997. The meeting will be held at the Salem BLM Office; 1717 Fabry Rd SE; Salem, Oregon 97306; phone (503) 375–5642. The meeting is scheduled to begin at 9:00 a.m., and will conclude at approximately 12:00 p.m. The agenda includes: (1) Continuation of Little Sandy Watershed recommendation discussion from the June 30 meeting, (2) Information sharing, (3) Public forum. The public forum is tentatively scheduled to begin at 11:45 a.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged. Written comments may be submitted prior to the meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Neal Forrester; Willamette National Forest, 211 East Seventh Avenue; Eugene, Oregon 97401; (541) 465–6924.

Dated: June 30, 1997.

Darrel L. Kenops,

Forest Supervisor.

[FR Doc. 97–17564 Filed 7–3–97; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: August 6, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION:

On January 31, February 14, May 9 and 16, 1997 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (62 F.R. 4722, 6946, 25586 and 27011) of proposed additions to the Procurement List.

The following Comments Pertain to Paper, Kraft Treated

Comments were received from the current contractor for the paper, along with expressions of support for the contractor from two Members of Congress. The contractor noted that a large part of the price it receives for kraft paper is the cost of the paper, which is passed through to the customer. Accordingly, the contractor stated that the Committee should look at its net sales rather than gross sales as the Committee usually does to assess the extent of impact adding the paper to the Procurement List would have on the contractor. We discovered, however, that calculating impact by this method made only a slight difference (less than one percent) in the percentage of the contractor's sales which this Procurement List addition represents. The amount of impact using either method was well below the level which the Committee normally considers to be severe. Consequently, the Committee has concluded that this addition to the Procurement List will not have a severe adverse impact on the contractor, even when the effect of recently losing a major customer is taken into account.

The following Comments Pertain to Laundry Service, San Diego, CA

Comments were received from a previous contractor which was asked to supply sales data. The contractor indicated that addition of the service to the Procurement List would minimally impact the corporation's overall operations. However, the contractor indicated that the addition would greatly impact the commercial business side of its laundry operations and might cause the layoff of a few workers.

As the contractor has indicated, losing this business will have little effect on the corporation, so the Committee has concluded that there will not be severe adverse impact on the contractor. While the Committee regrets displacing any workers, the possible layoff of a few workers is outweighed by the creation of jobs for people with severe disabilities, who have an unemployment rate well

above that of other workers, who can more easily find replacement employment. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Dog Bones
M.R. 405 thru 411
Paper, Kraft Treated
8135–00–966–2532
8135–00–966–2533
8135–00–973–1835

Services

Laundry Service, Transient Personnel Unit, BEQ & BOQ, Fleet Anti-Submarine Warfare Center, San Diego, California
Laundry Service, U.S. Air Force Academy Hospital, Colorado Springs, Colorado

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–17638 Filed 7–3–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 6, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies (Requirements for the Redstone Arsenal Support Activity, Redstone Arsenal, Alabama), NPA: Alabama Industries for the Blind, Talladega, Alabama
Office and Miscellaneous Supplies (Requirements for the Anniston Army Depot, Anniston, Alabama), NPA: Alabama Industries for the Blind, Talladega, Alabama
Office and Miscellaneous Supplies (Requirements for Seymour-Johnson Air Force Base, North Carolina), NPA: Raleigh Lions Clinic for the Blind, Inc., Raleigh, North Carolina
Perforator, Paper, 2-Hole, Desk, 7520–00–224–7589, NPA: Foothill Workshop for the Handicapped, Inc., Pasadena, California
Folder, Medical Pressboard, 7530–00–NIB–0439 (Item #420), 7530–00–NIB–0440 (Item #421), 7530–00–NIB–0441 (Item #424), 7530–00–NIB–0442 (Items 425–434) (Requirements for the Federal Bureau of Prisons, Washington, DC), NPA: The Clovernook Center, Opportunities for the Blind, Cincinnati, Ohio
Towel, Paper, 8540–01–359–0798, 8540–01–055–6134, NPA: The Lighthouse for the Blind in New Orleans, New Orleans, Louisiana

Services

Commissary Shelf Stocking and Custodial, Redstone Arsenal, Huntsville, Alabama, NPA: Phoenix Service, Inc., Huntsville, Alabama
Food Service Attendant, U.S. Coast Guard, Integrated Support Command, Seattle, Washington, NPA: Holly Ridge Center, Bremerton, Washington
Mailroom Operation for the following locations in Washington, DC:
U.S. Department of Transportation Headquarters, Nassif Building, 400 Seventh Street, SW
Federal Aviation Administration, Buildings FOB 10A & 10B, 800 Independence Avenue, SW
U.S. Coast Guard Headquarters, Transpoint Building, 2100 Second Street, SW and the Washington Metropolitan Area

NPA: Fairfax Opportunities Unlimited, Inc., Springfield, Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–17639 Filed 7–3–97; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Current Population Survey—October 1997 School Enrollment Supplement.

Form Number(s): None.

Agency Approval Number: 0607–0464.

Type of Request: Reinstatement, with change, of a previously approved collection.

Burden: 6,400 hours.

Number of Respondents: 48,000.

Avg. Hours Per Response: 8 minutes.

Needs and Uses: The Census Bureau is requesting clearance for the collection of data concerning the School Enrollment Supplement to be conducted in conjunction with the October 1996 CPS. The Bureau of the Census and the Bureau of Labor Statistics (BLS) sponsor the basic annual school enrollment questions, which have been collected annually in the CPS for over 25 years. The National Center for Education Statistics (NCES) sponsors the inclusion of additional questions on education and computer usage-related questions.

These supplemental questions provide information on public/private elementary and secondary school enrollment, and characteristics of private school students and their families, which is used for tracking historical trends and for policy planning and support. This survey is the only source of national data on the age distribution and family characteristics of college students, and the only source of demographic data on preprimary school enrollment. As part of the Federal Government's efforts to collect data and provide timely information to local governments for policymaking decisions, the survey provides national trends in employment and progress in school.

The data are used by Federal agencies; state, county, and city governments; and private organizations responsible for education to formulate and implement education policy. They are also used by employers and analysts to anticipate the composition of the labor force in the future.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182; Title 29 U.S.C., Sections 1–9.

OMB Desk Officer: Jerry Coffey, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jerry Coffey, OMB Desk Officer, Room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 26, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–17579 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 899]

Grant of Authority for Subzone Status Sitix of Phoenix, Inc. (Semiconductor Wafers) Phoenix, AZ

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the FTZ Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the City of Phoenix, Arizona, grantee of Foreign-Trade Zone 75, for authority to establish special-purpose subzone status for the semiconductor wafer manufacturing plant of Sitix of Phoenix, Inc., located in Phoenix, Arizona, was filed by the Board on January 16, 1996, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 2–96, 61 FR 1747, 1–23–96; comment period extended, 61 FR 25189, 5–20–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the Sitix of Phoenix, Inc., plant in Phoenix, Arizona (Subzone 75G), at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28. The authority for the manufacturing activity described in the application record is limited to the scope of such activity that is planned for the facility as constructed (352,000 sq. ft.).

Signed at Washington, DC, this 25th day of June 1997.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 97–17521 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[ORDER NO. 903]

Grant of Authority for Subzone Status MID States Pipe Fabricating, Inc. (Steel Pipe Fabrication Facility) El Dorado, Arkansas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the

establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Little Rock Port Authority on behalf of the Industrial Development Commission of the State of Arkansas, grantee of Foreign-Trade Zone 14, for authority to establish special-purpose subzone status at the steel pipe fabrication facility of Mid States Pipe Fabricating, Inc., in El Dorado, Arkansas, was filed by the Board on March 25, 1996, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 25–96, 61 FR 15216, 4/5/96; amended, 3/12/97); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby authorizes the establishment of a subzone (Subzone 14C) at the Mid States Pipe Fabricating, Inc., plant in El Dorado, Arkansas, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and further subject to a restriction requiring that foreign status merchandise admitted to the subzone shall be exported.

Signed at Washington, DC, this 25th day of June 1997.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 97–17522 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 54–97]

Proposed Foreign-Trade Zone: Stockton, CA; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Stockton Port District (commonly known as the Port of Stockton), to establish a general-purpose foreign-trade zone at sites in the Stockton (San Joaquin County), California area, within the San Francisco/Oakland/Sacramento Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 24, 1997. The applicant is authorized to make the proposal under Section 6302 of the California Code.

The proposed zone would consist of 3 sites (3,111 acres) in Stockton: *Site 1* (600 acres)—within the Port of Stockton complex on the Stockton Deepwater Ship Channel; *Site 2* (1,058 acres)—Rough and Ready Island on the Stockton Deepwater Ship Channel; and, *Site 3* (1,453 acres)—Stockton Metropolitan Airport. Sites 1 and 3 are owned by the Port of Stockton and San Joaquin County respectively. Site 2 is presently owned by the Department of Defense, but will be conveyed to the applicant on October 1, 1997.

The application contains evidence of the need for foreign-trade zone services in the Stockton area. Several firms have indicated an interest in using zone procedures within the proposed project for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on July 29, 1997, 10:00 a.m., at the Port of Stockton, 2201 W. Washington Street, Stockton, California 95201.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 5, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 22, 1997).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Port of Stockton Executive Office, 2201 W. Washington Street, Stockton, CA 95203.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 27, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–17528 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

(Docket 55–97)

Proposed Foreign-Trade Zone: Merced, Madera, and Fresno Counties, California; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Supervisors of the County of Merced, California, to establish a general-purpose foreign-trade zone at sites in Merced, Madera and Fresno Counties, California, adjacent to the Fresno Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 25, 1997. The applicant is authorized to make the proposal under Section 6302 of the California Code.

The proposed foreign-trade zone would consist of 13 sites (2,560 acres) in 3 counties (Merced, Madera and Fresno) in California's Central Valley: *Site 1* (820 acres)—Castle Airport (former Castle Air Force Base)/Morimoto Industrial Park, 3450 C Street, Atwater (Merced County); *Site 2* (18 acres)—City of Dos Palos Industrial Park, 1818 Lexington Avenue, Dos Palos (Merced County); *Site 3* (196 acres)—Mid Cal Business Park, Highway 33, Gustine (Merced County); *Site 4* (253 acres)—Applegate Business Park, Air Park Road, Atwater (Merced County); *Site 5* (118 acres)—South Merced Airport Industrial Park, Albatross Avenue, Merced (Merced County); *Site 6* (101 acres)—City of Madera Airport Industrial Park/State Center Commerce Park (within State enterprise zone), Falcon Drive, Madera (Madera County); *Site 7* (10 acres)—City of Madera Industrial Park (within State enterprise zone), 2500 West Industrial Avenue, Madera (Madera County); *Site 8* (102 acres)—Airways East Business Park, East Shields Avenue, Fresno (Fresno County); *Site 9* (225 acres)—Central Valley Business Park, East North Avenue, Fresno (Fresno County); *Site 10* (511 acres)—Fresno Airport Industrial Park/City of Clovis Industrial Park, Aircorp Way, Fresno, and West Dakota Avenue & West Pontiac Way, Clovis (Fresno County); *Site 11* (37 acres)—Reedley Industrial Park II, 1301 South Buttonwillow Avenue, Reedley (Fresno County); *Site 12* (157 acres)—City of Selma Industrial Park, East Nebraska, Selma (Fresno County); and, *Site 13* (12 acres)—Tollhouse Industrial Park, 1651 Tollhouse Road, Clovis (Fresno County).

The project is designed to serve a seven-county Central Valley region, also including Kings, Mariposa, Stanislaus and Tulare Counties.

The application contains evidence of the need for foreign-trade zone services in Merced, Madera and Fresno Counties. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as modular housing components, water pumps and agricultural products. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on July 30, 1997, 9:00 a.m., Merced County Board of Supervisors Chambers, Merced County Administration Building, Third Floor, 2222 M Street, Merced, CA 95340.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 5, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 22, 1997.)

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Merced County Administrator's Office, Merced County Administration Building, 2222 M Street, Third Floor, Merced, CA 95340

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 27, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–17529 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 906]

Expansion of Foreign-Trade Zone 81 Pease International Tradeport Portsmouth, NH

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the New Hampshire State Port Authority, grantee of Foreign-Trade Zone 81, Portsmouth, New Hampshire, for authority to expand FTZ 81 to include an additional site at the Pease International Tradeport in Portsmouth, was filed by the Board on October 23, 1996 (FTZ Docket 79–96, 61 FR 57383, 11/6/96);

Whereas, notice inviting public comment was given in the **Federal Register** and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 81 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to the standard 2,000-acre activation limit for the overall zone project.

Signed at Washington, DC, this 25th day of June 1997.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 97–17523 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Clarification of Federal Register Notice on Pure Magnesium From the People's Republic of China: Notice of Extension of Time Limit for New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 7, 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: On Friday, June 18, 1997, (62 FR 33603), the Pure Magnesium from the People's Republic of China: Notice of Extension of Time Limit For New Shipper Antidumping Administrative Review was printed in the **Federal Register** with an incorrect case number A–583–826, (62 FR 33603). The correct case number for this new shipper review is A–570–832.

Dated: June 27, 1997.

Holly Kuga,

Acting Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–17530 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–847]

Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Persulfates From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Barbara Wojcik-Betancourt, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0629.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 353 (1997).

Amended Final Determination

In accordance with section 735(a) of the Act, on May 12, 1997, the Department made its final determination that persulfates from the People's Republic of China (''PRC'') are

being, or are likely to be, sold in the United States at less than fair value (62 FR 27222 (May 19, 1997)). Subsequent to the final determination, on May 21, 1997, we received ministerial error allegations, timely filed pursuant to 19 CFR 353.28(b), from the following respondents: Sinochem Jiangsu Wuxi Import & Export Corporation, (''Wuxi''); Shanghai Ai Jian Import & Export Corporation, (''AJ''); Shanghai Ai Jian Reagant Works, (''AJ Works''); Guangdong Petroleum Chemical Import & Export Trade Corporation, (''Guangdong''); Guangzhou City Zhujiang Electrochemical Factory (''Zhujiang''); and ICC Chemical Corporation (''ICC''). No ministerial error allegations were submitted by the petitioner. We received comments from the petitioner rebutting respondents' allegations on May 28, 1997.

We have determined, in accordance with 19 CFR 353.28(d), that a ministerial error was made in our margin calculations. Specifically, the Department inappropriately added rather than deducted capital account expenditures in its calculation of the SG&A ratio. For a detailed discussion of the alleged ministerial errors and the Department's analysis, see *Memorandum for Louis Apple from the Team*, dated June 11, 1997. In accordance with 19 CFR 353.28(c), we are amending the final determination of the antidumping duty investigation of persulfates from the PRC to correct this ministerial error.

Scope of Order

The products covered by this investigation are persulfates, including ammonium, potassium, and sodium persulfates. The chemical formula for these persulfates are, respectively, $(NH_4)_2S_2O_8$, $K_2S_2O_8$, and $Na_2S_2O_8$. Ammonium and potassium persulfates are currently classified under subheading 2833.40.60 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Sodium persulfate is classified under HTSUS subheading 2833.40.20. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Antidumping Duty Order

On June 25, 1997, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (''ITC'') notified the Department that the U.S. persulfates industry is materially injured by imports of persulfates from the PRC. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of all entries of persulfates from the PRC. These antidumping duties will be assessed on all unliquidated entries of persulfates from the PRC entered, or withdrawn from warehouse, for consumption on or after December 27, 1996, the date on which the Department published its preliminary determination notice in the **Federal Register**, (61 FR 68232). On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Weight-average margin percentage
Sinochem Jiangsu Wuxi Import & Export Corporation	34.41
Shanghai AJ Import and Export Corporation (or Shanghai Ai Jian Import & Export Corporation)	32.22
Guangdong Petroleum Chemical Import & Export Trade Corporation	34.97
China-wide Rate	119.02

This notice constitutes the antidumping duty order with respect to persulfates from PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published pursuant to section 736(a) of the Act (19 USC 1673e(a)) and 19 CFR 353.21.

Dated: July 1, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–17724 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–828 and A–583–827]

Notice of Postponement of Preliminary Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors (SRAMs) From the Republic of Korea and Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Fabian Rivelis, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 482–1766 or (202) 482–3853, respectively.

Postponement of Final Determination

On March 17, 1997, the Department initiated an antidumping duty investigation of imports of SRAMs from the Republic of Korea and Taiwan. the notice of initiation stated that we would issue our preliminary determination on or before August 4, 1997 (62 FR 13596, March 21, 1997).

On June 23, 1997, petitioner made a timely request pursuant to 19 CFR 353.15(c) of the Department's interim regulations (60 FR 25130, May 11, 1995) for a 50-day postponement of the preliminary determination, until September 23, 1997, pursuant to Section 733(c)(1) of the Tariff Act of 1930, as amended (the Act). Petitioner requested a postponement so that the Department would have additional time to analyze the responses to the antidumping questionnaire due to the fact that they are voluminous and raise many unusually complex issues.

For the reasons identified by petitioner, we are postponing the preliminary determination under Section 733(c)(1) of the Act. We will make our preliminary determination no later than September 23, 1997.

This notice is published pursuant to section 733(c)(2) of the Act and 19 CFR 353.15(d).

Dated: June 27, 1997.

Louis I. Apple,

Acting Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–17524 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–049. *Applicant:* California State Polytechnic University, Department of Chemistry, 3801 W. Temple Avenue, Pomona, CA 91768. *Instrument:* Stopped-Flow Spectrometer, Model SX.18MV. *Manufacturer:* Applied Photophysics Ltd., United Kingdom. *Intended Use:* The instrument will be used in research to explore the use of 2-oxacycloalkylidenes (so-called Fischer carbene complexes), 1, as potential cytotoxic agents. In particular, the reactivity of α, β-unsaturated lactones and the analogous Fischer carbene complexes toward biologically relevent thiol nucleophiles, such as cysteine, will be compared. *Application accepted by Commissioner of Customs:* June 11, 1997.

Docket Number: 97–050. *Applicant:* University of Pennsylvania, Department of Chemistry, 231 South 34th Street, Philadelphia, PA 19104. *Instrument:* Mass Spectrometer, Model AutoSpec. *Manufacturer:* Micromass, United Kingdom. *Intended Use:* The instrument will be used to analyze compounds, mainly polar, thermally labile and of mass greater than 3000 to characterize all intermediate and final compounds of synthesis by accurately measuring the molecular weight and determining the molecular formula. *Application accepted by Commissioner of Customs:* June 18, 1997.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–17525 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062797A]

Billfish Advisory Panel; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Panel (AP) for Atlantic billfish will hold its first meeting on July 22–23, 1997, in Silver Spring, MD.

DATES: The meeting will begin on July 22, 1997 at 1:00 p.m. and will continue on July 23, 1997, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at NMFS, SSMC IV, Room 1W611, 1325 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, telephone: (301) 713–2347, Fax (301) 713–1917.

SUPPLEMENTARY INFORMATION: The billfish AP is established under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. The billfish AP will assist the Secretary of Commerce in collecting information related to the amendment of the Billfish Fishery Management Plan. The billfish AP meeting is open to the public and will be attended by members of the AP, including appointed members, representatives of the five fishery management councils that work with highly migratory species (HMS), the Atlantic and Gulf states that work with HMS, the Atlantic and Gulf states marine fisheries commissions, and the Chair of the U.S. Advisory Committee to the International Commission for the Conservation of Atlantic Tunas (ICCAT). Potential agenda items include:

(1) The role of the AP in the HMS management process.

(2) Operating practices and procedures for the AP.

(3) Status of the stocks, research priorities

(4) Initial scoping by the AP for issues related to Amendment 1 of the billfish FMP including a definition for overfishing, time/area closures, tournament reporting, and permitting.

This meeting is physically accessible to people with disabilities.

Requests for sign language interpretation or other auxiliary aids should be directed to Jill Stevenson, 1315 East-West Highway, Silver Spring, MD 20910, phone (301) 713–2347 at least 5 days prior to the meeting date.

Dated: June 30, 1997.

Gary Matlock,

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

[FR Doc. 97–17624 Filed 7–3–97; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission Washington, DC 20207.

TIME AND DATE: Wednesday, July 16, 1997, 10:00 a.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

FY 1999 Budget Request

The staff will brief the Commission on issues related to the Commission's budget for fiscal year 1999.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207, (301) 504–0800.

Dated: July 2, 1997.

Sadye E. Dunn,

Secretary.

[FR Doc. 97–17777 Filed 7–2–97; 2:15 pm]

BILLING CODE 6335–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection: Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), 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. § 3508(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 requirement on respondents can be properly assessed. Currently, the Corporation for National and Community Service is soliciting comments concerning its proposed revision of its AMERICORPS*NCCC SERVICE PROJECT APPLICATION form. Copies of the information collection requests can be obtained by contacting the office listed below in the address section of this notice.

The Corporation for National and Community Service is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section on or before August 29, 1997.

ADDRESSES: Send comments to Mr. Rodger L. Hurley, AMERICORPS*NCCC National Projects Coordinator, Corporation for National and Community Service, 1201 New York Ave., N.W., Washington, D.C., 20525.

FOR FURTHER INFORMATION CONTACT: Rodger L. Hurley, (202) 606–5000, ext. 144.

SUPPLEMENTARY INFORMATION:

I. Background

This form has been used by community non-profit organizations, government agencies, and other prospective service project sponsors in the submission of proposed service projects for consideration by AMERICORPS*National Civilian Community Corps.

II. Current Action

The Corporation for National and Community Service seeks renewal of the current form as it is under revision. The revised form incorporporates lessons learned since program inception, and will be used for the same purpose as the existing form. The Corporation for National and Community Service seeks to continue using this particular form, albeit in a revised version, until the revised form is approved by OMB. The current form is due to expire June 30, 1997. CNCS has asked for a 60-day extension to use the existing form until a revised form is approved.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AMERICORPS*NCCC PROJECT FORM.

OMB Number: 3045–0010.

Agency Number: N/A.

Affected Public: Various non-profit organizations/project sponsors.

Total Respondents: 800.

Frequency: Annually.

Average Time Per Response: 3 hours.

Estimated Total Burden Hours: 2400 hours.

Total Burden Cost (capital/startup): N/A.

Total Burden Cost (operating/maintenance): N/A.

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 30, 1997.

Fred L. Peters,

National Program Coordinator.

[FR Doc. 97–17587 Filed 7–3–97; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Defense Panel Meeting

AGENCY: DoD, National Defense Panel.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and summary agenda for the meeting of the National Defense Panel on July 8 and 9, 1997. In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this National Defense Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public from 0830–1700, July 8, 1997 and from 0830–1700 July 9, 1997 in order for the Panel to discuss classified material.

DATES: July 8 and 9, 1997.

ADDRESSES: Suite 532, 1931 Jefferson Davis Hwy, Arlington VA.

FOR FURTHER INFORMATION CONTACT:

The National Defense Panel was established on January 14, 1997 in accordance with the Military Force Structure Review Act of 1996, Public Law 104–201. The mission of the National Defense Panel is to provide the Secretary of Defense and Congress with an independent, non-partisan assessment of the Secretary's Quadrennial Defense Review and an Alternative Force Structure Analysis. This analysis will explore innovative ways to meet the national security challenges of the twenty-first century.

Proposed Schedule and Agenda

The National Defense Panel will meet in closed session from 0830–1700 on July 8 and from 0830–1700 on July 9, 1997. During the closed session on July 8 the Panel will be going to the State Department from 1500–1600 and meeting with Under Secretary for Political Affairs, Ambassador Pickering to discuss the overview of future International Security Environments and from 1500–1600 the Panel will meet with General Kross, Commander-in-Chief (CINC), U.S. Transportation Command, Scott AFB, IL at the Crystal Mall 3 office. On July 9, 1997 from 1400–1500 the Panel will meet with General Peay, CINC, U.S. Central Command, MacDill AFB, FL at the Crystal Mall 3 office. During the remainder of the meeting times during the closed sessions the National Defense Panel staff will present status updates of various future strategies, discuss desired capabilities, and develop future force elements.

The determination to close the meeting is based on the consideration that it is expected that discussion will involve classified matters of national security concern throughout.

This Notification also is written verification that the Panel was unable to provide notice of this meeting 15 days prior to the date of the meeting due to the scheduling conflicts with the State Department and the Program Managers who will brief the Panel.

FOR FURTHER INFORMATION CONTACT: Please contact the National Defense Panel at (703) 602–4175/6.

Dated: June 30, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–17575 Filed 7–3–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the President's Security Policy Advisory Board

ACTION: Notice.

SUMMARY: The President's Security Policy Advisory Board has been established pursuant to Presidential Decision Directive/NSC–29, which was signed by President on September 16, 1994.

The Board will advise the President on proposed legislative initiatives and executive orders pertaining to U.S. security policy, procedures and practices as developed by the U.S. Security Policy board, and will function as a federal advisory committee in accordance with the provisions of Pub. L. 92–463, the ''Federal Advisory Committee Act.''

The President has appointed from the private sector, three of five Board members each with a prominent background and expertise related to security policy matters. General Larry Welch, USAF (Ret.) will chair the Board. Other members include: Admiral Thomas Brooks, USN (Ret.) and Ms. Nina Stewart.

The next meeting of the board will be held on 17 July, 1997, at 1500 hours at Central Intelligence Agency Headquarters in Langely Va. Classifed discussions will take place and consequently the meeting will be closed to the public.

For further information please contact Mr. Terence Thompson, telephone: 703–602–9969.

Dated: June 30, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–17574 Filed 7–3–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Active Duty Service Determinations for Civilian or Contractual Groups

On June 2, 1997, the Secretary of the Air Force determined that the service of the group known as ''U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways, Who Served Overseas as a Result of a Contract With the Air Transport Command During the Period February 26, 1942, Through August 14, 1945'' shall not be considered active duty for purposes of all laws administered by the Department of Veterans Affairs.

On the other hand, the Secretary of the Air Force determined that the service of a sub-group known as ''U.S. Civilian Flight Crew and Aviation Ground Support Employees of Braniff Airways, Who Served Overseas in the North Atlantic or Under the Jurisdiction of the North Atlantic Wing, Air Transport Command (ATC), as a Result of a Contract With the ATC During the Period February 26, 1942, Through August 14, 1945'' shall be considered active duty for purposes of all laws administered by the Department of Veterans Affairs.

To be eligible for VA benefits, members of the sub-group must establish:

1. They were civilians employed by Braniff Airways as flight crew personnel (pilot, co-pilot, navigator, flight engineer, radio operator), or

2. They were civilians employed by Braniff Airways as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), and

3. Served outside the continental United States in direct support of Air Transport Command-directed flight operations in the North Atlantic under the jurisdiction of the North Atlantic Wing (ATC) during the period February 26, 1942 through August 14, 1945. Qualifying periods of time are computed from the date of departure from the continental United States to the date of return to the continental United States.

Application Procedures

Before an individual can receive any VA benefits, the person must first apply for an Armed Forces Discharge Certificate (Department of Defense (DD) Form 214) by filling out a DD Form 2168 and sending it to the following address: AFPC/DPPRP, 550 C St. West, Suite 11, Randolph Air Force Base, TX 78150–4713.

Important: Applicants must attach supporting documents to their DD Form 2168 application. Of primary importance will be any employment records from Braniff Airlines headquarters. Other supporting documentation might include copies of passports with appropriate entries, flight log books, Army Air Force (AAF) Identification Forms 133, any personal employment records such as commendations regarding ATC performance, employee expense reports of charges to USAAF contracts, medical certifications prior to departure from the US, USAAF passes to leave the limits of an overseas base, military orders, miscellaneous USAAF papers, etc. Additionally, the captain of a flight crew may provide written confirmation for other crew members on his flight.

Upon confirmation of an applicant's eligibility, the DD Form 214 will be passed from AFPC/DPPRP to the Awards and Decorations office (in the same building) to determine which ribbons the applicant is eligible to receive (campaign ribbons, theater ribbons, victory medal, etc.). Specific awards (i.e., Silver Star, Purple Heart, Air Medal, etc.) need separate justification detailing the act, achievement, or service believed to warrant the appropriate medal/ribbon.

DD Forms 2168 are available from VA offices or from the US Air Force offices in this notice.

For further information contact Mr. James D. Johnston, Secretary of the Air Force Personnel Council (SAFPC), 1535 Command Drive-3d Floor-EE Wing, Andrews Air Force Base, MD 20762–7002.

Benefit Information

A determination of ''active duty'' under Public Law 95–202 is ''for the purposes of all laws administered by the Department of Veterans Affairs'' (Sec 106, 38 USC). Benefits are not retroactive and do not include such things as increased military or Federal Civil Service retirement pay, or a military burial detail, for example. Entitlement to state veterans benefits vary and are governed by each state. Therefore, for specific benefits information, contact your nearest Veterans Affairs Office and your state veterans service office after you have received your Armed Forces discharge documents.

Barbara A. Carmichael,

Air Force Federal Register Liaison Officer.

[FR Doc. 97–17549 Filed 7–3–97; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Active Duty Service Determinations for Civilian or Contractual Groups

On June 2, 1997, the Secretary of the Air Force determined that the service of the group known as ''U.S. Flight Crew and Aviation Ground Support Employees of Northeast Airlines Atlantic Division, Who Served Overseas as a Result of Northeast Airlines' Contract With the Air Transport Command During the Period December 7, 1941, Through August 14, 1945'' shall be considered ''active duty'' under the provisions of Public Law 95–202 for the

purposes of all laws administered by the Department of Veterans Affairs (VA).

To be eligible for VA benefits, members of the group must establish:

1. They were civilians employed by Northeast Airlines Atlantic Division as flight crew personnel (pilot, co-pilot, navigator, flight engineer, radio operator), or

2. They were civilians employed by Northeast Airlines Atlantic Division as aviation ground support personnel (aircraft mechanic, station manager, dispatcher), and

3. Served outside the continental United States in direct support of Air Transport Command-directed flight operations during the period December 7, 1941 through August 14, 1945.

Qualifying periods of time are computed from the date of departure from the continental United States to the date of return to the continental United States.

Application Procedures

Before an individual can receive any VA benefits, the person must first apply for an Armed Forces Discharge Certificate (Department of Defense (DD) Form 214) by filling out a DD Form 2168 and sending it to the US Air Force Personnel Center at the following address: AFPC/DPPRP, 550 C St. West, Suite 11, Randolph Air Force Base, TX 78150–4713.

Important: Applicants must attach supporting documents to their DD Form 2168 application. Of primary importance will be any employment records from Northeast Airlines. Other supporting documentation might include copies of passports with appropriate entries, flight log books, Army Air Force (AAF) Identification Forms 133, any personal employment records such as commendations regarding ATC performance, employee expense reports of charges to USAAF contracts, medical certifications prior to departure from the US, USAAF passes to leave the limits of an overseas base, military orders, miscellaneous USAAF papers, etc. Additionally, the captain of a flight crew may provide written confirmation for other crew members on his flight.

Upon confirmation of an applicant's eligibility, the DD Form 214 will be passed from AFPC/DPPRP to the Awards and Decorations office to determine which ribbons the applicant is eligible to receive (campaign ribbons, theater ribbons, victory medal, etc.). Specific awards (i.e., Silver Star, Purple Heart, etc.) need separate justification detailing the act, achievement, or service believed to warrant the appropriate medal/ribbon.

DD Forms 2168 are available from VA offices or from the US Air Force offices in this notice.

For further information contact Mr. James D. Johnston, Secretary of the Air Force Personnel Council (SAFPC), 1535 Command Drive-3d Floor-EE Wing, Andrews Air Force Base, MD 20762–7002.

Benefit Information

A determination of ''active duty'' under Public Law 95–202 is ''for the purposes of all laws administered by the Department of Veterans Affairs'' (Sec 106, 38 USC). Benefits are not retroactive and do not include such things as increased military or Federal Civil Service retirement pay, or a military burial detail, for example. Entitlement to state veterans benefits vary and are governed by each state. Therefore, for specific benefits information, contact your nearest Veterans Affairs Office and your state veterans service office after you have received your DD Form 214.

Barbara A. Carmichael,

Air Force Federal Register Liaison Officer.

[FR Doc. 97–17550 Filed 7–3–97; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

ACTION: Notice.

In compliance with Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Air Force announces the proposed reinstatement of the Statement of Suspect/Witness/Complainants form and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function 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 the quality, utility, and clarity of the information 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.

DATES: Consideration will be given to all comments received by September 5, 1997.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to HQ USAF/SFO, 1340 Air Force Pentagon, ATTN: Major Nelson Jackson, Room: VC917, Washington, DC 20330–1340.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Security Forces Operations Division at (703) 588–0017.

Title, Associated Form, and OMB Number: Statement of Suspect/Witness/Complainant, AF Form 1168, OMB Number 0701–0128.

Needs and Uses: The completed form is used as the source document to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI agents, etc. It is used to provide information to the appropriate individuals within the DoD organization who ensure proper legal and administrative action is taken. Failure to collect the data from witnesses and complainants will degrade the positive identification of offenders/victims, and subsequent resolution of criminal activity.

Affected Public: Individuals or households, state and local governments, small businesses or organizations.

Annual Burden Hours: 55,400.

Number of Respondents: 168,000.

Responses per Respondent: 1.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are personnel who are suspects, accused persons, witnesses, or complainants. This form is used to document their official statements to military police officers. Additionally, it is used to document advisement of rights. If the form is not used, an official statement may come into question on the authenticity of statements given to police officials. This form is essential in maintaining standard police processes.

Barbara A. Carmichael,

Air Force Federal Register Liaison Officer.

[FR Doc. 97–17551 Filed 7–3–97; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Air Force announces the proposed reinstatement of the Accident Report form and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function 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 the quality, utility, and clarity of the information 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.

DATES: Consideration will be given to all comments received by September 5, 1997.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to HQ USAF/SFO, 1340 Air Force Pentagon, ATTN: Major Nelson Jackson, Room: VC917, Washington, DC 20330–1340.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Security Forces Operations Division at (703) 588–0017.

Title, Associated Form, and OMB Number: Accident Report, AF Form 1315, OMB Number 0701–0133.

Needs and Uses: This form is used to record information and details of traffic accidents involving damage to government vehicles or fixed government property and fatal or nonfatal personal injury.

Affected Public: Any person having dealings with the United States Air Force.

Annual Burden Hours: 5,000.

Number of Respondents: 20,000.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The completed form is used as the source document to record information and details of traffic accidents which may: (1) Require investigative action by commanders, security police and other law enforcement/investigatory authorities, and/or (2) require possible criminal prosecution and civil court actions. The form also provides information to appropriate individuals and organizations within DoD and appropriate law enforcement authorities who ensure proper legal and administrative actions are taken. Failure to collect data from witnesses and complainants will: (1) Prevent the identification of offenders, (2) prevent the determination of accident cause/liability, and (3) prevent the resolution of the accident through subsequent legal and administrative actions.

Barbara A. Carmichael,

Air Force Federal Register Liaison Officer.

[FR Doc. 97–17552 Filed 7–3–97; 8:45 am]

BILLING CODE 3901–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Retiree and Transition Programs Division, Air Force Personnel Center, DOD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Retiree and Transition Programs Division, Air Force Personnel Center, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 5, 1997.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Retiree and Transition Programs Division (DPPT), Air Force Personnel Center, 550 C Street West, STE 11, ATTN: Mr. Bill Turner, Randolph Air Force Base, TX 78150–4713.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection of to obtain a copy of the proposal and associated collection instruments, please write to the above address or call Mr. Turner at 210–652–2126.

Title, Associated Form, and OMB Number: Air Force Instruction 36–2913, ''Request for Approval of Foreign Government Employment of Air Force Members,'' OMB Number 0701–0134.

Needs and Uses: The information collection requirement is to obtain the information need by the Secretary of the Air Force and Secretary of State on which to base a decision to approve/disapprove a request to work for a foreign government. This approval is specified by Title 37, United States Code, Section 908. This statutes delegates such approval authority of Congress to the respective service secretaries and to the Secretary of the State.

Affected Public: Individuals and households.

Annual Burden Hours: 148.

Number of Respondents: 148.

Responses per Respondent: 1.

Average Burden per Response: 1 hour.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are Air Force retired members and certain Reserve members who have gained jobs with a foreign government and who must obtain approval of the Secretary of the Air Force and Secretary of State to do so. Information, in the form of a letter, includes a detailed description of duty, name of employer, Social Security Number, and statements specifying whether or not the employee will be compensated; declaring if employee will be required or plans to obtain foreign citizenship; declaring that the member will not be required to execute an oath of allegiance to the foreign government; verifying that the member understands that retired pay equivalent to the amount received from the foreign government may be withheld if he or she accepts employment with a foreign government before receiving approval. Reserve members only must include a request to be reassigned to Inactive Status List Reserve Section (Reserve Section Code RB). After verifying the status of the individual, the letter is forwarded to the Air Force Review Board for processing. If the signed letter is not included in the file, individuals reviewing the file cannot furnish the necessary information to the Secretary of the Air Force and Secretary of State on which a decision can be made. Requested information is necessary to maintain the integrity of the Request for

Approval of Foreign Government Employment Program.

Barbara A. Carmichael,

Federal Register Air Force Liaison Officer.

[FR Doc. 97–17553 Filed 7–3–97; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to amend and delete systems of records.

SUMMARY: The Department of the Army is amending systems of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed actions will be effective without further notice on August 6, 1997, unless comments are received which result in a contrary determination.

ADDRESSES: Privacy Act Officer, Records Management Division, U.S. Army Publishing and Records Management Center, ATTN: SAIS-PRP-DR, Stop C55, Ft. Belvoir, VA 22060–5576.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Turner at (703) 806–3389 or DSN 656–3389.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 30, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETION
A0350–37 TRADOC

SYSTEM NAME:

Skill Qualification Test (SQT) *(February 22, 1993, 58 FR 10103).*

REASON:

This program was discontinued on July 31, 1990. Records have been destroyed.

AMENDMENTS
A0195–2a USACIDC

SYSTEM NAME:

Source Register *(February 22, 1993, 58 FR 10086).*

CHANGES:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.'

* * * * *

A0195–2a USACIDC

SYSTEM NAME:

Source Register.

SYSTEM LOCATION:

Primary location: Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

Segments of the system exist at subordinate elements of the U.S. Army Criminal Investigation Command which exercise local administrative and technical control of sources. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, civilian or military, who are used as sources by the U.S. Army Criminal Investigation Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain cross indexed code numbers, name, race, military occupational specialty, sex, date and place of birth, home of record, educational level, area of utilization, civilian employment, handler, letters, vouchers, personal history, performance, citizenship, marital status, physical description, criminal history, expertise, talents, actions taken, and other related personal data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To monitor performance and reliability; to check utilization of sources; to maintain an accounting of expenditures connected with the sources; to answer Congressional inquiries concerning misuse or mistreatment of sources or those who allege they are not sources; to document fear-of-life transfers for military sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to foreign countries under the provisions of Status of Forces Agreements or Treaties.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, computer/magnetic tapes, disks, and paper printouts.

RETRIEVABILITY:

By individual's name, code number, or Military Occupational Specialty (MOS).

SAFEGUARDS:

All information is stored in locked containers within secured buildings; information is accessible only by designated officials having need therefore in the performance of official duties.

RETENTION AND DISPOSAL:

Records concerning Level I Drug Suppression Team sources are maintained for 10 years after termination of source's service. At Headquarters, U.S. Army Criminal Investigation Command, information concerning other sources is retained for 10 years after termination of source's service. At other locations of U.S. Army Criminal Investigation Command, source files and cross-index cards are retained for 3 years after termination of source's service; master source cards are retained until no longer needed to control or facilitate work. Destruction is by shredding. Retention period for automated records varies according to Headquarters, U.S. Army Criminal Investigation Command and field element, but total retention does not exceed 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

For verification purposes, individual should provide the full name, date of birth, current address, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

For verification purposes, individual should provide the full name, date and place of birth, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the military personnel records if the source is military, or the civilian personnel records if source is a civilian employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0195–2b USACIDC

SYSTEM NAME:

Criminal Investigation and Crime Laboratory Files *(February 22, 1993, 58 FR 10087).*

CHANGES:

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SYSTEM LOCATION:

Delete entry and replace with 'Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

Segments exist at subordinate U.S. Army Criminal Investigation Command elements. Addresses may be obtained from the Commander, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

An automated index of cases is maintained at the U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585 and at the Defense Investigative Service, PO Box 1211, Baltimore, MD 21203–2111.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.'

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A0195–2b USACIDC

SYSTEM NAME:

Criminal Investigation and Crime Laboratory Files.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

Segments exist at subordinate U.S. Army Criminal Investigation Command elements. Addresses may be obtained from the Commander, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

An automated index of cases is maintained at the U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585 and at the Defense Investigative Service, PO Box 1211, Baltimore, MD 21203–2111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, involved in or suspected of being involved in or reporting possible criminal activity affecting the interests, property, and/or personnel of the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, rank, date and place of birth, chronology of events; reports of investigation containing statements of witnesses, subject and agents; laboratory reports, documentary evidence, physical evidence, summary and administrative data pertaining to preparation and distribution of the report; basis for allegations; Serious or Sensitive Incident Reports, modus operandi and other investigative information from Federal, State, and local investigative agencies and departments; similar relevant documents. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, report number which allows access to records noted above; agencies, firms, Army and Defense Department organizations which were the subjects or victims of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files, witness identification data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397 (SSN).

PURPOSE(S):

To conduct criminal investigations and crime prevention activities; to accomplish management studies involving the analysis, compilation of statistics, quality control, etc., to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information concerning criminal or possible criminal activity is disclosed to Federal, State, local and/or foreign law enforcement agencies in accomplishing and enforcing criminal laws; analyzing modus operandi, and detecting organized criminal activity. Information may also be disclosed to foreign countries under the provisions of the Status of Forces Agreements, or Treaties.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files and indices; automated indices; computer magnetic tapes, disks, and printouts;

RETRIEVABILITY:

By name or other identifier of individual.

SAFEGUARDS:

Access is limited to designated authorized individuals having official need for the information in the performance of their duties. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

At Headquarters, U.S. Army Criminal Investigation Command (USACIDC), criminal investigative case files are retained for 40 years after final action, except that at USACIDC subordinate elements, such files are retained from 1 to 5 years depending on the level of such unit and the data involved. Laboratory reports at the USACIDC laboratory are destroyed after 5 years. Destruction is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD SOURCE CATEGORIES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Suspects, witnesses, victims, USACIDC special agents and other personnel, informants; various Department of Defense, federal, state, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0195–4 USACIDC

SYSTEM NAME:

U.S. Army Criminal Investigation Fund Vouchers *(February 22, 1993, 58 FR 10088).*

CHANGES:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506'.

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A0195–4 USACIDC

SYSTEM NAME:

U.S. Army Criminal Investigation Fund Vouchers.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

Segments of the system are located at U.S. Army Criminal Investigation Command subordinate elements; addresses for these may be obtained from the Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special agents of U.S. Army Criminal Investigation Command (USACIDC) or military police investigator of U.S. Army who have made expenditures or have requested reimbursement from USACIDC limitation .0015 contingency funds authorized by Army Regulation 37–47, Contingency Funds of the Secretary of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, grade, reason for such expenditure, receipts (or certificates when receipts are unavailable), relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To maintain proper accounting of the USACIDC .0015 contingency funds.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer magnetic tapes, and hard copy printouts.

RETRIEVABILITY:

By individual's name at USACIDC subordinate elements; by voucher number at Headquarters, USACIDC. Automated data is retrieved through routine and specially created programs to meet various management requirements.

SAFEGUARDS:

Access is limited to designated authorized individuals having official need for the information in the performance of their duties. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Individual voucher, voucher register, subvoucher and supporting documents maintained at Headquarters, USACIDC are destroyed 1 year after inspection and clearance by Secretary of the Army; at other USACIDC subordinate elements, 1 year after inspection and clearance by Comptroller, USACIDC. Automated data are erased after a hard copy of the register is produced. Disposal of manual records is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, source, or the statement of third parties pertaining to the expenditure.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0195–6 USACIDC

SYSTEM NAME:

Criminal Investigation Accreditation and Polygraph Examiner Evaluation Files *(February 22, 1993, 58 FR 10088).*

CHANGES:

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SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.'

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A0195–6 USACIDC

SYSTEM NAME:

Criminal Investigation Accreditation and Polygraph Examiner Evaluation Files.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506. Information concerning polygraph examiners is located at the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.and subsequently at the Washington National Records Center, GSA, Suitland, MD 20746–2042.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for entry into the USACIDC program as an apprentice special agent, a polygraph examiner, for supervisory credentials, for the USACIDC officer specialty program or warrant officer appointments; or for laboratory technician credentials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, statement of personal history, personal identifiers, photographs, fingerprint cards, qualifications record, biography, information pertaining to assignment capability or limitation, letters of recommendation, educational institutional documents, character investigation data, reclassification actions, reassignment orders, commander's inquiry data, reports of investigation, reasons for withdrawal from program, reason for denying application, date of acceptance into program, date appointed, date of accreditation, badge number, credential number, polygraph certificate number, agent sequence number, assignment, date assigned, marital status, and other data pertinent to the accreditation function, physical profile, date of last physical, assignment preference, transfer restrictions, job title, security clearance data, date of last background investigation, foreign language proficiency, special qualifications, service agreement, spouse's place of birth and citizenship, agent's place of birth, private licenses, hobbies, and last 10 assignments.

Polygraph examiner performance and evaluation data maintained at the Crime Records Center (CRC) include individual's name, personal history statement, certificate number, polygraph examination history, year of polygraph report, report of investigation or CRC cross reference number, type of examination, and monitor's comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397 (SSN).

PURPOSE(S):

To determine applicant's acceptance into or rejection from the USACIDC program; continuing eligibility, placement or standing therein; and to manage and evaluate polygraph examination performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, magnetic tapes, disks, and paper printouts.

RETRIEVABILITY:

By individual's surname, agent sequence number, Social Security Number, badge/credential number, and polygraph certificate number.

SAFEGUARDS:

All records are maintained in buildings protected by security guards or a locked wire enclosure; information is accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records of accepted applicants are retained until the individual retires, is released from active duty, or is removed from the USACIDC program; at that time, files are places in inactive storage at HQ USACIDC for 2 additional years and then stored at the Washington National Records Center for an additional 8 years before being destroyed by shredding. Records of rejected applicants are retained at HQ USACIDC for 1 year, then destroyed by shredding or burning. Information on Criminal Investigation Program Data Cards is maintained permanently. Information in automated media is retained for 90 days following termination of investigator's active

status. Polygraph examination report information is retained for 3 years following closure or completion of the pertinent investigative report. Records of approved polygraph examiner certifications are retained at the CRC for 10 years after the examiner retires or is released from active duty, then destroyed by shredding or burning. Records of disapproved polygraph examiner certifications are retained at the CRC for 1 year, then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, Social Security Number, date and place of birth, current address, telephone numbers, date of application to the program, sufficient details to locate the record, and signature.

RECORD ACCESS PROCEDURE:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR-FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, Social Security Number, date and place of birth, current address, telephone numbers date of application to the program, sufficient details to locate the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, individual's previous or present employers, financial institutions, relatives and former spouses, educational institutions, trade or fraternal organizations, neighbors past and present, work associates, social acquaintances, churches, public records, law enforcement and investigative agencies, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identify of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0210–190TAPC

SYSTEM NAME:

Individual Gravesite Reservation Files *(February 2, 1996, 61 FR 3915).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Add 'U.S.' before 'Soldiers'.

* * * * *

A0210–190TAPC

SYSTEM NAME:

Individual Gravesite Reservation Files.

SYSTEM LOCATION:

Commander, Military District of Washington, Fort Lesley J. McNair, Washington, DC 20319–5000;

U.S. Soldiers' and Airmen's Home National Cemetery, Washington, DC 20011–4999; and

Commander, U.S. Total Army Personnel Command, Alexandria, VA 22331–0482 for selective Army post cemeteries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and former Armed Forces personnel and their dependents who reserved grave plots in either Arlington National Cemetery Soldiers' Home National Cemetery, or Army post cemeteries prior to 1961.

CATEGORIES OF RECORDS IN THE SYSTEM:

Gravesite reservations (DA Forms 2122, 2123); reservist's name, address, number and section of grave reserved, military service, or relationship to service member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To maintain records of individuals holding gravesite reservations in Army national or post cemeteries made prior to 1961; to conduct periodic surveys to determine validity of such reservations; to respond to inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Destroyed when gravesite reservation is used or canceled.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military District of Washington, Fort Lesley J. McNair, Washington, DC 20319–5000; U.S. Soldiers' and Airmen's Home National Cemetery, Washington, DC 20011–4999; Commander, U.S. Total Army Personnel

Command, Alexandria, VA 22331–0482 for selective Army post cemeteries.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this records system should address written inquiries to the appropriate system manager.

Individual should provide sufficient details to permit locating pertinent records and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate system manager.

Individual should provide sufficient details to permit locating pertinent records and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the reservist, his/her representative or next-of-kin; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 97–17576 Filed 7–3–97; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Director, Information Resources Management Group, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 6, 1997.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: June 30, 1997.

Gloria Parker,

Director, Information Resources Management Group.

Office of Postsecondary Education

Title: Quality Assurance (QA) Workbook.

Frequency: Semi-annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; Federal Government.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 60,000.

Abstract: Only 300 postsecondary institutions have voluntarily agreed to participate in the Quality Assurance Program. They have received a waiver of certain regulations for their cooperation. As participants in the Program, respondents are required to complete activities as described in the QA Workbook throughout the year. The Workbook itself is what we are requesting OMB to approve and clear. Twice a year, in February and August, participants send requested information to the Department.

[FR Doc. 97–17547 Filed 7–3–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Environmental Management; Release of Environmental Management Accelerating Cleanup: Focus on 2006 Discussion Draft

AGENCY: Office of Environmental Management, U.S. Department of Energy (DOE).

ACTION: Notice of opportunity for public comment

SUMMARY: The U.S. Department of Energy (DOE) announces the release of, and invites the public to comment on, the Office of Environmental Management's Accelerating Cleanup: Focus on 2006 Discussion Draft. This document, which focuses on completing cleanup of as many DOE sites as possible by 2006, presents for discussion and comment a new strategic approach for managing the Environmental Management program, along with accompanying cost, work scope and schedule. The strategy set forth in the Accelerating Cleanup: Focus on 2006 Discussion Draft reflects DOE's efforts to make its operations more efficient and reduce overall costs in order to maintain compliance with applicable requirements and protect public health and safety in the face of diminishing discretionary budgetary resources.

DATES: To continue its ongoing dialogue with the public, the Department is providing a comment period on the Discussion Draft that will extend through September 9, 1997.

ADDRESSES: Written comments on the Environmental Management Accelerating Cleanup: Focus on 2006 Discussion Draft should be directed to: U.S. Department of Energy, Mr. Gene Schmitt, P.O. Box 44818, Washington, D.C. 20026–4481.

Comments may also be provided electronically to: FocusOn2006@EM.DOE.GOV.

Department of Energy Field sites have also completed site-specific Accelerating Cleanup: Focus on 2006 Discussion Drafts and are holding concurrent public comment periods.

Comments on, or requests for copies of, Site Discussion Drafts should be submitted directly to the individual site points of contact listed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Discussion Draft or further information should be directed to the Center for Environmental Management Information (CEMI) at 1–800–736–3282.

SUPPLEMENTARY INFORMATION: Since its inception, the DOE's Office of Environmental Management has worked to safely manage wastes and clean up environmental releases from past practices. In response to the expressed desire of both the Administration and Congress to balance the Federal budget, the Environmental Management program is developing a strategy based on completing cleanup of as many DOE sites as possible by 2006. This vision acknowledges that, at a small number of sites, some environmental management functions (such as treatment and disposal of transuranic and high-level waste, and long-term monitoring operations) will continue beyond 2006. However, by 2006 it is envisioned that most Department of Energy Environmental Management sites will be able to stabilize and safely store their nuclear materials and clean up their land and buildings.

The Accelerating Cleanup: Focus on 2006 Discussion Draft focuses on risk reduction, protection of public and worker health and safety, maintaining compliance with applicable regulations and agreements, reducing waste generation, and continuing a collaborative relationship with stakeholders. A key goal of the Discussion Draft strategy is to identify areas in which the Department can become more efficient, such as focusing funds on more rapid cleanup and thereby reducing longer-term ''mortgage'' costs of maintaining facilities. Other efficiency improvements and alternative management approaches are also identified for comment.

Between June and September 1997, the Department will work with Tribal Nations, states, regulators, local governments and other stakeholders to refine the Accelerating Cleanup: Focus on 2006 strategies presented in the Discussion Draft. The Department will release a Draft 2006 Plan later this year.

The primary avenues for public involvement will continue to be through activities at individual DOE sites. During the public comment period, it is anticipated that additional issues and opportunities will be raised, and that the individual Operations and Field Offices will further refine their individual 2006 plans and support the analysis and development of the National Environmental Management Accelerating Cleanup: Focus on 2006 Draft Plan.

Comments received may result in the development of Action Plans to resolve longer-term issues. Future versions of the Accelerating Cleanup: Focus on 2006 Plan will reflect changes in the Environmental Management program and progress made toward achieving the vision of completing cleanup of as many DOE sites as possible by 2006.

Comments on Site Discussion Drafts should be submitted directly to the following individual site points of contact:

U.S. Department of Energy, Albuquerque Operations Office, Ms. Tracy Loughead, Pennsylvania and H Street, Kirtland Air Force Base, Albuquerque, NM 87116, 505/845–5977

U.S. Department of Energy, Ohio Field Office, Mr. Ken Morgan, 1 Mound Road, Miamisburg, OH 45342–3020, 513/865–3968

U.S. Department of Energy, Carlsbad Area Office, Mr. Dennis Hurtt, P.O. Box 3090, Carlsbad, NM 88221, 505/234–7485

U.S. Department of Energy, Oak Ridge Operations Office, Mr. Walter Perry, 200 Administration Road, Oak Ridge, TN 37830, 423/241–6417

U.S. Department of Energy, Chicago Operations Office, Ms. Mary Jo Acke, 9800 South Cass Avenue, Argonne, IL 60439, 630/252–8796

U.S. Department of Energy, Richland Operations Office, Mr. Jim Daily, 825 Jadwin Avenue, Richland, WA 99352, 509/376–7721

U.S. Department of Energy, Idaho Operations Office, Ms. Kathy Whitaker, 850 Energy Drive, Idaho Falls, ID 83401, 208/526–1062

U.S. Department of Energy, Rocky Flats Field Office, Mr. Mike Konczal, Highway 93 and Cactus Road, Golden, CO 80402, 303/966–7095

U.S. Department of Energy, Nevada Operations Office, Mr. Kevin Rohrer, 2621 Losee Road, North Las Vegas, NV 89030–4134, 702/295–0197

U.S. Department of Energy, Savannah River Operations Office, Ms. Virginia Kay, PM&CD, Aiken, SC 29801, 803/725–5752

U.S. Department of Energy, Oakland Operations Office, Mr. Ron Duvall, 1301 Clay Street, Oakland, CA 94612–5208, 510/637–1812

Issued in Washington, D.C., June 27, 1997.

Alvin L. Alm,

Assistant Secretary for Environmental Management, U.S. Department of Energy.

[FR Doc. 97–17612 Filed 7–3–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Research

Energy Research Financial Assistance Program Notice 97–15; Partnerships for Academic-Industrial Research (PAIR) in Support of Energy-Relevant Fundamental Research

AGENCIES: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Basic Energy Sciences (BES), Office of Energy Research (ER), U.S. Department of Energy (DOE) hereby announces its interest in receiving grant applications for performance of basic research to support important, long-term national objectives in energy relevant research. The purpose of this program is to promote research activities involving academic researchers, their students, and industrial researchers.

DATES: Potential applicants are strongly encouraged to submit a brief preapplication. All preapplications, referencing Program Notice 97–15, should be received by DOE by 4:30 P.M., November 5, 1997. A response discussing the potential program relevance of a formal application generally will be communicated to the applicant within 30 days of receipt. The deadline for receipt of formal applications is 4:30 P.M., January 14, 1998, in order to be accepted for merit review and to permit timely consideration for award in Fiscal Year 1998.

ADDRESSES: All preapplications, referencing Program Notice 97–15, should be sent to Dr. Paul H. Maupin, Division of Chemical Sciences, ER–14, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290.

After receiving notification from DOE concerning successful preapplications, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, Attn: Program Notice 97–15. The above address must also be used when

submitting applications by U.S. Postal Service Express, any commercial mail delivery service, or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: For questions concerning research topics in specific technical areas, contact the following individuals in the appropriate division of interest:

Dr. Paul H. Maupin, Chemical Sciences Division, ER–14, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–4355, e-mail: paul.maupin@oer.doe.gov

Dr. Gregory L. Dilworth, Division of Energy Biosciences, ER–17, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–2873, email: greg.dilworth@oer.doe.gov

Dr. Robert Price, (Engineering), Engineering and Geosciences Division, ER–15, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–3565, email: bob.price@oer.doe.gov

Dr. Wolfgang Wawersik, (Geosciences), Engineering and Geosciences Division, ER–15, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–5829, email: wolfgang.wawersik@oer.doe.gov

Dr. Timothy Fitzsimmons, Materials Sciences Division, ER–13, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–9830, email: tim.fitzsimmons@oer.doe.gov

Investigators may also wish to obtain information about a related funding opportunity entitled: ''Energy and Waste Minimization Research Supportive of Technology Vision 2020: The Chemical Industry''. Contact: Office of Industrial Technologies, EE–20, U. S. Department of Energy, 1000 Independence Ave., SW., Washington, DC, 20585, web site: www.oit.doe.gov/IOF/chemicals/

SUPPLEMENTARY INFORMATION: DOE encourages submission of applications to conduct high-quality basic research on fundamental issues important to the efficient, economical, safe, and environmentally responsible production and use of energy that will involve interactions of the academic basic research community with the industrial research community. Because the transition from discovery to development and deployment is not a linear process and because both basic and applied researchers contribute to problem definition, discovery, and understanding, this program seeks to promote, encourage, and facilitate partnerships between researchers in the academic and industrial sectors. In particular, emphasis is placed on stimulating interactions between a principal investigator in an institution of higher learning with a counterpart in industry with significant involvement of students.

Applications received by ER under its normal competitive application mechanisms may also be deemed appropriate for consideration under this announcement and may be funded under this program.

Information Regarding Applications for Assistance: The ER encourages the submission of applications that will foster substantive partnerships between researchers in academia and researchers in appropriate and relevant industries in order to:

1. Strengthen interactions between those engaged in long-term, curiosity driven research and those involved in focused research.

2. Provide increased awareness in both sectors of the problems of focused research and the problems and opportunities afforded by long-term pre-competitive research.

3. Provide opportunities for joint problem definition.

4. Provide opportunities for students and postdoctoral fellows to work in an industrial setting.

5. Address and solve important, outstanding fundamental problems associated with the efficient, economical, safe, and environmentally responsible production and use of energy.

In addition to the usual description of the proposed work, the application must include the following information and meet the following requirements:

1. There must be evidence of a working relationship between the academic and industrial research partners.

2. The fundamental scientific problem must be clearly expressed.

3. The field of inquiry must fall within the scope of the research activities currently supported by BES. (For information on the scope of these activities, including references to publications of workshops and conferences sponsored by BES or its subsidiary divisions, refer to http://www.er.doe.gov/production/bes/bes.html.) The appropriate BES division should be specified on the cover page of the application.

4. Individual value to both the academic and the industrial research partners must be stated and explained. There should be clear objectives, not necessarily the same, for each participant.

5. The proposed interactions between the academic and the industrial research partners should be described. The nature of this interaction may take many forms, but it is expected to include reciprocal visits. In addition, the application must include support for graduate and/or post graduate students who will spend at least four weeks a year in the industrial setting. Graduate student activities should fall within the scope of requirements needed to fulfill an advanced degree.

6. Cost sharing is not expected; however, the industrial partner will be expected to pay incremental costs associated with student and faculty visits on site.

7. It should be the intention of the principal investigator to publish the results of the supported research in the peer-reviewed, archival scientific literature.

It is anticipated that approximately $1,500,000 will be available in FY 1998 for research that encourages and facilitates interactive efforts between the academic and industrial communities. Multiple-year funding of grant awards is expected subject to satisfactory progress in the research and the availability of funds. For the grant to receive continuation funds at the end of each year, there must be evidence of substantial interactions between the university and the industrial research partners. Awards are expected to range from $50,000 annually to $150,000 annually with terms from one to three years. The number of awards and range of funding will depend on the number of applications received and selected for award.

To minimize undue effort on the part of applicants and reviewers, interested parties are invited and encouraged to submit preapplications. The preapplications will be reviewed relative to the scope and research needs of the DOE's Basic Energy Sciences Program. The brief preapplication should consist of two to three pages of narrative describing the research objectives and methods of accomplishment. Telephone and FAX numbers are required parts of the preapplication, and electronic mail addresses are desirable. ER's preapplication guidelines can be found on the ER Grants and Contracts Web Site at: http://www.er.doe.gov/production/grants/preapp.html

Applications will be subjected to formal merit review and will be evaluated against the following criteria, which are listed in order of importance as set forth in 10 CFR Part 605:

1. Scientific and/or technical merit of the project.
2. Appropriateness of the proposed method or approach.
3. Competency of applicant's personnel and adequacy of proposed resources.
4. Reasonableness and appropriateness of the proposed budget.

The evaluation will include program policy factors such as the relevance of the proposed research to the terms of the announcement and the agency's programmatic needs. General information about development and submission of applications, eligibility, limitations, evaluations and selection process, and other policies and procedures may be found in the Application Guide for the Office of Energy Research Financial Assistance Program and 10 CFR Part 605. Electronic access to the Application Guide is possible via the Internet using the following Web site address: http://www.er.doe.gov/production/grants/grants.html

(The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605)

Issued in Washington, DC on June 25, 1997.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 97–17610 Filed 7–3–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2604–000]

Applied Resources Integrated Services, Inc.; Notice of Issuance of Order

July 1, 1997.

Applied Resources Integrated Services, Inc. (Applied Services) submitted for filing with the Commission a rate schedule under which Applied Services will engage in wholesale electric power and energy transactions as a marketer. Applied Services also requested waiver of various Commission regulations. In particular, Applied Services requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Applied Services.

On June 17, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Applied Services 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 385.214).

Absent a request for hearing within this period, Applied Services is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Applied Services' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 17, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17584 Filed 7–3–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2413–000]

Fina Energy Services Company; Notice of Issuance of Order

July 1, 1997.

Fina Energy Services Company (Fina) submitted for filing with the Commission a rate schedule under which Fina will engage in wholesale electric power and energy transactions as a marketer. Fina also requested waiver of various Commission regulations. In particular, Fina requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Fina.

On June 18, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Fina 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 385.214).

Absent a request for hearing within this period, Fina is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Fina's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 18, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17583 Filed 7–3–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2681–000]

New Millennium Energy Corporation; Notice of Issuance of Order

July 1, 1997.

New Millennium Energy Corporation (NMEC) submitted for filing with the Commission a rate schedule under which NMEC will engage in wholesale electric power and energy transactions

as a marketer. NMEC also requested waiver of various Commission regulations. In particular, NMEC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by NMEC.

On June 18, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by NMEC 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 385.214).

Absent a request for hearing within this period, NMEC is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of NMEC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 18, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17585 Filed 7–3–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3289–000, et al.]

PECO Energy Company, et al.; Electric Rate and Corporate Regulation Filings

June 27, 1997.

Take notice that the following filings have been made with the Commission:

1. PECO Energy Company

[Docket No. ER97–3289–000]

Take notice that on June 11, 1997, PECO Energy Company (PECO), filed a Service Agreement dated May 29, 1997, with Rochester Gas and Electric Corporation (RG&E) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds RG&E as a customer under the Tariff.

PECO requests an effective date of May 29, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to RG&E and to the Pennsylvania Public Utility Commission.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Niagara Mohawk Power Corporation

[Docket No. ER97–3290–000]

Take notice that on June 11, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and City of Watertown. This Transmission Service Agreement specifies that City of Watertown has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and City of Watertown to enter into separately scheduled transactions under which NMPC will provide transmission service for City of Watertown as the parties may mutually agree.

NMPC requests an effective date of June 6, 1997. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and City of Watertown.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. PECO Energy Company

[Docket No. ER97–3291–000]

Take notice that on June 12, 1997, PECO Energy Company (PECO) filed a Service Agreement dated May 29, 1997 with Connecticut Municipal Electric Energy Cooperative (CMEEC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds CMEEC as a customer under the Tariff.

PECO requests an effective date of May 29, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to CMEEC and to the Pennsylvania Public Utility Commission.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Carolina Power & Light Company

[Docket No. ER97–3292–000]

Take notice that on June 10, 1997, Carolina Power & Light Company (Carolina), tendered for filing executed Service Agreements between Carolina and the following Eligible Entities: Constellation Power Source; GPU Energy; Minnesota Power & Light Company; and Southern Minnesota Municipal Power Agency. Service to each Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Northern States Power Company (Minnesota Company)

[Docket No. ER97–3293–000]

Take notice that on June 11, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement between NSP and Coral Power L.L.C.

NSP requests that the Commission accept the agreement effective May 13, 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: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Northern States Power Company (Minnesota Company)

[Docket No. ER97–3294–000]

Take notice that on June 11, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement between NSP and NESI Power Marketing, Inc.

NSP requests that the Commission accept the agreement effective May 12, 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: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Orange and Rockland Utilities, Inc.

[Docket No. ER97–3295–000]

Take notice that on June 11, 1997, Orange and Rockland Utilities, Inc. (O&R), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Regulations, 18 CFR Part 35, a service agreement under which O&R will provide capacity and/or energy to Plum Street Energy Marketing, Inc. (Plum Street).

O&R has requested waiver of the notice requirement so that the service agreement with Plum Street becomes effective as of June 15, 1997.

O&R served copies of the filing upon the New York State Public Service Commission and Plum Street.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Western Resources, Inc.

[Docket No. ER97–3296–000]

Take notice that on June 11, 1997, Western Resources, Inc. tendered for filing a non-firm transmission agreement between Western Resources and Citizens Power Sales. Western Resources states that the purpose of the agreement is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreement is proposed to become effective June 2, 1997.

Copies of the filing were served upon Citizens Power Sales and the Kansas Corporation Commission.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Tucson Electric Power Company

[Docket No. ER97–3297–000]

Take notice that on June 11, 1997, Tucson Electric Power Company (TEP), tendered for filing the following four (4) service agreements for firm and non-firm point-to-point transmission service under Part II of its Open Access Transmission Tariff filed in Docket No. OA96–140–000:

(1) Service Agreement For Firm Point-to-Point Transmission Service with Enron Power Marketing, Inc. dated May 27, 1997.

(2) Service Agreement For Firm Point-to-Point Transmission Service with Enron Power Marketing, Inc. dated May 28, 1997.

(3) Service Agreement For Firm Point-to-Point Transmission Service with Enron Power Marketing, Inc. dated May 29, 1997.

(4) Service Agreement For Non-Firm Point-to-Point Transmission Service with Noram Energy Services, Inc. dated June 4, 1997.

TEP requests waiver of notice to permit the service agreements to become effective as of May 28, 1997.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power & Light Company

[Docket No. ER97–3298–000]

Take notice that on June 12, 1997, Florida Power & Light Company filed executed Service Agreements with City of Lake Worth Utilities and Fort Pierce Utilities Authority for service pursuant to Tariff No. 1 for Sales of Power and Energy by Florida Power & Light. FPL requests that each Service Agreement be made effective on May 19, 1997.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Electric Power Company

[Docket No. ER97–3299–000]

Take notice that on June 12, 1997, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing revisions to its Open Access Transmission Tariff (OATT), FERC Electric Tariff, volume No. 7. Also submitted are three short term firm transmission service agreements with Wisconsin Public Service Corporation (WPSC), Madison Gas and Electric Company (Mad Gas), and Delhi Energy Services, Inc. (Delhi). Wisconsin Electric requests an effective date coincident with its filing, in order that the changes contained therein are implemented as soon as possible.

The first change, to the Short Term Firm Form of Service Agreement, is intended to clarify the scheduling of firm and non-firm transmission service requests on the OASIS so that unconfirmed requests for firm point-to-point transmission service are deemed withdrawn if not confirmed within a defined period of time after their acceptance on the OASIS by the Transmission Provider.

The second change would allow the Transmission Provider to calculate the Load Ratio Share of its network transmission service customers on an annual basis, rather than by a rolling twelve month calculation of this ratio.

According to Wisconsin Electric, neither change has an impact on transmission compensation.

Copies of the filing have been served on all Wisconsin Electric transmission service customers, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Idaho Power Company

[Docket No. ER97–3300–000]

Take notice that on June 12, 1997, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission an amendment of the Power Sales Agreement to terminate the City of Azusa's obligation thereunder.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Union Electric Company

[Docket No. ER97–3301–000]

Take notice that on June 11, 1997, Union Electric Company (UE), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Vastar Power Marketing, Inc. and UE. UE asserts that the purpose of the Agreement is to permit UE to provide transmission service to VPM pursuant to UE's Open Access Transmission Tariff filed in Docket No. OA96–50.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Western Resources, Inc.

[Docket No. ER97–3302–000]

Take notice that on June 13, 1997, Western Resources, Inc. tendered for filing a non-firm transmission agreement between Western Resources and CMS Marketing Services & Trading. Western Resources states that the purpose of the agreement is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreement is proposed to become effective June 6, 1997.

Copies of the filing were served upon CMS Marketing Services & Trading and the Kansas Corporation Commission.

Comment date: July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions

or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17582 Filed 7–3–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–331–000]

Transcontinental Gas Pipe Line Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cherokee Expansion Project and Request for Comments on Environmental Issues

June 30, 1997.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Cherokee Expansion Project.[1] This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

Transcontinental Gas Pipe Line Corporation (Transco) wants to expand the capacity of its facilities in Alabama and Georgia to provide 87,070 dekatherms per day of additional firm transportational capacity to growing markets in the southeast for two existing customers, a local distribution company and a municipal gas distribution system. Transco seeks authority to:

- Construct about 11.2 miles of 48-inch-diameter pipeline loop from milepost (MP) 826.3 to MP 837.5 in Marengo County, Alabama;
- Uprate the 16-inch-diameter Georgia Extension in Walton and Gwinnett Counties, Georgia from a maximum allowable operating pressure (MAOP) of 780 pounds per square inch (psi) to a MAOP of 960 psi. The uprating would include:

a. Replacement of 3.7 miles of 16-inch-diameter pipeline with 3.7 miles of 16-inch-diameter pipeline in five sections;

b. Expansion and/or uprating of four meter and regulator (M&R) stations;

c. Hydrostatic testing of 26.7 miles of 16-inch-diameter pipeline; and

d. Abandonment in place of about 0.1 mile of 16-inch-diameter pipeline.

- Construct a new 15,000 horsepower (hp) compressor station (Compressor Station 115), in Coweta County, Georgia;
- Install an additional 8,000 hp of compression at Compressor Station 125 in Walton County, Georgia; and
- Rewheel existing compressor units at Compressor Station 100 in Chilton County, Alabama and Compressor Station 120 in Henry County, Georgia and install additional gas cooling capacity at Compressor Station 110 in Randolph County, Alabama.

The general location of the project facilities is shown in appendix 1.[2] If you are interested in obtaining detailed maps of a specific portion of the project, or procedural information, please write to the Secretary of the Commission.

Land Requirements for Construction

Construction of Transco's proposed pipeline facilities in Alabama would affect about 156.8 acres, of which 32.0 acres would be within existing, cleared right-of-way. Following construction, about 34.8 acres would be maintained as new permanent right-of-way. The remaining 122.0 acres of land would be restored and allowed to revert to its former use.

Replacement of the pipeline facilities in Georgia would affect about 38.4 acres, of which 29.0 acres would be within existing cleared right-of-way. The replacement pipeline would be installed in the same location as the existing 16-inch-diameter pipeline after it is removed and would not require any new permanent right-of-way.

Construction of Compressor Station 115 would require about 30.0 acres of which 25.5 acres would be maintained during operation of the compressor station. Construction at Compressor Station 125 would affect about 1.7 acres of which about 1.0 acre would be maintained with the existing compressor station area during operation. The installation of the additional cooling capacity at Compressor Station 110 would require about 1.0 acre of land of which less than 0.1 acre would be affected by operation. The work that would occur at Compressor Stations 100 and 120 would take place within the existing compressor station buildings and would not require additional land.

Modification of the M&R stations would affect a total of about 0.6 acre of land during construction. However, no increases in the size of the existing fenced areas would occur.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for

[1] Transco's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Transco. This preliminary list of issues may be changed based on your comments and our analysis.

- Seven perennial waterbodies would be crossed by the Alabama portion of the project.
- About 2.5 miles of wetlands in Alabama and Georgia would be disturbed.
- Construction may affect water wells, structures, and other utilities.
- About 61.2 acres of forest would be cleared.
- About 36 residences would be within 50 feet of the proposed construction work area.
- Additional compression would be constructed at Compressor Station 125 in Walton County, Georgia.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Send two copies of your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Reference Docket No. CP97–331–000; and
- Mail your comments so that they will be received in Washington, DC on or before July 30, 1997.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

You do not need intervenor status to have your comments considered.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17544 Filed 7–3–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5853–5]

Clean Air Act Advisory Committee: Accident Prevention Subcommittee's RMP Implementation Workgroup; Series of Conference Call Meetings; July 1997–August 1998

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Section 112(r) of the Clean Air Act (CAA) requires covered facilities to develop risk management programs to prevent accidental releases of dangerous chemicals. Facilities are to submit risk management plans (RMPs) to a central location by June 1999. The RMPs will be electronically available to State and local governments and citizens to help them understand local chemical hazards and take steps to prevent accidents.

The Accident Prevention Subcommittee of the CAA Advisory Committee was established in September 1996 to provide EPA with advice and counsel on scientific and technical aspects of CAA section 112(r). In October 1996, the Accident Prevention Subcommittee established the Electronic Submission Workgroup which submitted its final recommendations report on June 18, 1997. At its May 9th meeting, the Accident Prevention Subcommittee established a second workgroup, the RMP Implementation Workgroup, to ensure that all stakeholders have the tools they need to implement a risk management program under CAA section 112(r).

The RMP Implementation Workgroup will identify activities that must be undertaken and products that must be developed. Additionally, the Workgroup will make recommendations to EPA and the Accident Prevention Subcommittee about the best methods for carrying out these activities. The Workgroup will work with EPA to ensure that products are developed and issues are addressed within appropriate time frames.

At a minimum the Workgroup will address the following:

1. Implementation guidance
2. Audit protocol and guidance
3. General guidance for industry
4. Technical (i.e., offsite consequence analysis) guidance
5. RMP*Info, RMP*Submit
6. Training
7. General duty clause guidance
8. Model RMP guidances
9. Outreach & communications strategy
10. Guidance for LEPCs
    A. Technical guidance
    B. How to use RMP information
11. Risk communication guidance
12. Qualified third party review (e.g., ISO 14001)
13. Response planning (integrated contingency planning)

The Workgroup will include 30–35 members, with balanced membership from the following organizations: States, local government and LEPCs, industry, environmentalists, non-profits, EPA CEPPO (HQ and Regions), other EPA offices, and other groups.

DATES: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the RMP Implementation Workgroup will hold the following monthly, two-hour meetings (all Eastern time). All meetings are open to the public. The Workgroup will begin meeting on July 22, 1997 and will complete its work by December 1998.

(1) July 22, 1997— 1:00 p.m. to 3:00 p.m.
(2) August 20, 1997—2:00 p.m. to 4:00 p.m.
(2) September 17, 1997—2:00 p.m. to 4:00 p.m.
(3) October 15, 1997—2:00 p.m. to 4:00 p.m.
(4) November 19, 1997—2:00 p.m. to 4:00 p.m.
(5) December 17, 1997—2:00 p.m. to 4:00 p.m.
(6) January 21, 1998—2:00 p.m. to 4:00 p.m.
(7) February 18, 1998 —2:00 p.m. to 4:00 p.m.
(8) March 18, 1998 —2:00 p.m. to 4:00 p.m.
(9) April 15, 1998 —2:00 p.m. to 4:00 p.m.
(10) May 20, 1998 —2:00 p.m. to 4:00 p.m.
(11) June 17, 1998 —2:00 p.m. to 4:00 p.m.
(12) July 15, 1998 —2:00 p.m. to 4:00 p.m.
(13) August 19, 1998 —2:00 p.m. to 4:00 p.m.

ADDRESSES: All Workgroup meetings will be held at EPA Headquarters in Washington, DC. The July 22, 1997

meeting will be held at EPA Waterside Mall, 401 M Street, SW, Washington Information Center (WIC) Room 4 South. Future meeting locations are yet to be determined and will be announced 1 week prior to each meeting. Members of the public are welcome to attend in person.

FOR FURTHER INFORMATION: Members of the public desiring additional information about these meetings should contact Kate Narburgh, US EPA (5104), 401 M St., SW, Washington, DC 20460, via the Internet at: narburgh.kate@epamail.epa.gov., by telephone at (202) 260–8247 or FAX at (202) 260–7906.

Additional information on the Accident Prevention Subcommittee and its workgroups are available on the Internet at: http://www.epa.gov/swercepp/rmp-wg.html.

If you would like to automatically receive future information on the RMP Implementation Workgroup by e-mail, please send an e-mail to Karen Shanahan at: shanahan.karen@epamail.epa.gov requesting to be put on the e-mail list for this group.

Dated: July 1, 1997.

Karen Shanahan,

Designated Federal Official.

[FR Doc. 97–17596 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42192A; FRL–5730–7]

Endocrine Disruptors; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA is announcing the fourth meeting of the Endocrine Disruptors Screening and Testing Advisory Committee (EDSTAC), a committee established under the provisions of the Federal Advisory Committee Act (FACA) to advise EPA on a strategy for screening chemicals and pesticides for their potential to disrupt endocrine function in humans and wildlife.

Preceding the EDSTAC plenary, EPA's Region V will sponsor a one day symposium that focuses on issues regarding endocrine disruptors in the Great Lakes.

DATES: The EDSTAC Plenary meeting will begin on Tuesday, July 15, at 9 a.m. and adjourn on Wednesday, July 16, at 4 p.m. The Great Lakes Endocrine Disruptor Symposium will be held on Monday, July 14, from 8 a.m. to 5:15 p.m.

ADDRESSES: The meeting will be held at the Ambassador West Hotel, 1300 North State Parkway, Chicago, IL 60610. The telephone number at the hotel is 312–787–3700 or 800–300–WEST. The fax number is 312–640–2967.

FOR FURTHER INFORMATION CONTACT: For technical information about the EDSTAC, contact Dr. Anthony Maciorowski (telephone: 202–260–3048; e-mail: maciorowski.tony@epamail.epa.gov) or Mr. Gary Timm (telephone 202–260–1859; e-mail: timm.gary@epamail.epa.gov) at EPA. To obtain additional information please contact the contractor assisting EPA with meeting facilitation and logistics: Ms. Tutti Otteson, The Keystone Center, P.O. Box 8606, Keystone, CO 80435; telephone: 970–468–5822; fax: 970–262–0152; e-mail: totteson@keystone.org.

For information about the Great Lakes Endocrine Disruptor Symposium contact Michele Anthony (telephone: 312–886–4306; e-mail: anthony.michele@epamail.epa.gov; or Laura Pullen (telephone: 312–886–0138; e-mail: pullen.lara@epamail.epa.gov; fax 312–886–2737) at EPA's Region V in Chicago, IL.

SUPPLEMENTARY INFORMATION: EPA's Region V, in Chicago has organized an educational symposium on endocrine disruption issues. The purpose of this event is to create a forum on endocrine disruptors in the Great Lakes community, including state agencies and EPA's Region V, in order to facilitate discussion among stakeholders on this important topic.

Members of the public should be aware that while this symposium is taking place in advance of the EDSTAC plenary meeting, and is being held at the sme location as the EDSTAC meeting, the two events are independent of one another.

The following are proposed agenda items for the Great Lakes Symposium:

Monday, July 14, 1997

1. A scientific overview of endocrine disruption.
2. The EDSTAC process.
3. An environmental group perspective on the state of science.
4. The industry perspective.
5. Ecological research.
6. Epidemiology.
7. State environmental agency perspective.
8. State health department perspective.
9. Tribal perspective.
10. Panel discussion.

EPA's Office of Prevention, Pesticides and Toxic Substances is taking the lead for the Agency on endocrine disruption screening and testing required by recent legislation (i.e., reauthorization of the Safe Drinking Water Act and passage of the Food Quality Protection Act) and has formed an advisory committee (EDSTAC) to provide advice and counsel to the Agency on a strategy to screen and test endocrine disrupting chemicals and pesticides in humans, fish and wildlife. The third EDSTAC meeting was held on April 29–30, 1997 (62 FR 22941, April 28, 1997)(FRL–5714–6).

The following proposed agenda items for the EDSTAC plenary are:

Tuesday, July 15, 1997

1. Reaffirmation of consensus goal of the EDSTAC.
2. Presentation/Discussion of issues, options, and draft recommendations of the Priority Setting Work Group (PSWG).
3. Presentation of issues, options, and draft recommendations of the Screening and Testing Work Group (STWG).
4. Public Comment Session.EDSTAC

Wednesday, July 16, 1997

1. Discussion of issues, options, and draft recommendations of the Screening and Testing Work Group (STWG).
2. Update and discussion of activities of the Communications and Outreach Work Group (COWG).
3. Reflections on the EDSTAC schedule, timelines, and decisions about next steps.
4. Feedback on the Chicago plenary meeting and EDSTAC process in general.

Dated: July 1, 1997.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 97–17738 Filed 7-3-97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5854–6]

National Drinking Water Advisory Council Occurrence & Contaminant Selection Working Group; Notice of Open Meeting

Under section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a conference call for the Occurrence & Contaminant Selection Working

Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on July 17, 1997, from 12:30 P.M. to 2:30 P.M. and 3:30 P.M. to 6:30 P.M. EDT. The conference call is open to the public, but due to availability, conference lines will be limited and access will be granted on a first-come first-served basis.

The purpose of this call is to review progress on the development of the first Drinking Water Candidate List since the last conference call meeting of the Working Group on June 23 & 24, 1997. The Working Group members will review and discuss the analysis completed on the chemicals, and relevant issues and facts, and draft proposed position paper for deliberation by the advisory council. Therefore, statements will be taken from the public as time allows.

For more information, please contact, Evelyn Washington, Designated Federal Officer, Occurrence & Contaminant Selection Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4607), 401 M Street SW, Washington, DC 20460. The telephone number is 202–260–3029, fax 202–260–3762, and e-mail address washington.evelyn@epamail.epa.gov. For conference call information, please contact Jennifer Wu at 202–260–0425 or e-mail wu.jennifer@pamail.epa.gov.

Dated: June 27, 1997.

Charlene E. Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 97–17744 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5853–7]

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. All time noted are Eastern Daylight Time. 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. Multi-Agency Radiation Survey and Site Investigation Manual Review Subcommittee (MARSSIMRS) and the Radiation Advisory Committee (RAC)—Public Teleconference Meeting

The Radiation Advisory Committee (RAC) and its Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Review Subcommittee (MARSSIMRS) of the Science Advisory Board (SAB) will meet via teleconference to complete its review (reach closure) and edit its draft report on the technical basis of the MARSSIM. The teleconference will be held from 11 am to 1 pm on Monday, July 21, 1997. Please see 62 FR 28476, Friday, May 23, 1997; 61 FR 68743, Monday, December 30, 1996; and 61 FR 32796, Tuesday, June 25, 1996 for further information.

Copies of the Agency document (Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)) are NOT available from the SAB, however, information concerning the availability of this document can be found in previous meeting notices concerning this review (see above). To discuss technical aspects of the Agency's draft Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) or any supporting or background information, please contact Mr. Mark Doehnert, Radiation Protection Division (6603J), Office of Radiation and Indoor Air (ORIA), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, tel. (202) 233–9386; Fax (202) 233–9650; or Email: Doehnert.Mark@epamail.epa.gov.

Copies of the revised draft SAB report entitled ''An SAB Report: Review of the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) by the Radiation Advisory Committee,'' will be available approximately two weeks prior to this teleconference (the week of July 9). Copies of the draft SAB report are available from Ms. Diana Pozun (see below). Members of the public who wish to participate in the teleconference or who wish make a brief oral presentation at this meeting must contact Mrs. Diana L. Pozun, Staff Secretary, *in writing* via fax (202) 260–7118 or Email: Pozun.Diana@epamail.epa.gov no later than noon, Eastern Time on Tuesday, July 15, 1997, in order to have time reserved on the agenda. For a copy of the proposed teleconference agenda or the draft SAB report, please contact Ms. Pozun by phone (202–260–8432) or at the numbers given above. For questions regarding technical issues to be discussed, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Science Advisory Board (1400), US EPA, 401 M Street, SW, Washington DC 20460, by telephone at (202) 260–2560, fax at (202) 260–7118, or Email: Kooyoomjian.Jack@epamail.epa.gov.

2. Ecological Processes and Effects Committee (EPEC)

The Ecological Processes and Effects Committee of the Science Advisory Board (SAB) will meet on July 21–22, 1997, in Room 17 of the Washington Information Center (WIC) at the EPA Waterside Mall Complex, 401 M Street, SW, Washington, DC. The meeting is open to the public, but seating will be limited and available on a first come, first served basis. The meeting will convene at 8:30 am on July 21, and at 8 am on July 22, and end no later than 5:30 pm on both days. The purpose of the meeting is to: (a) review the Agency's draft Ecological Research Strategy; and (b) conduct an advisory on the proposed development of ecological risk management guidelines.

Background

(a) *Draft Ecological Research Strategy:* The Agency has developed a draft Ecological Research Strategy to guide future ecological research philosophy, direction and priorities at EPA. Funding for research covered by the strategy totals approximately $72 million and staff resources of 372 full-time equivalents in Fiscal Year 1997. The Charge to the SAB, in addition to requesting detailed comments on specific aspects of the strategy, asks for comments on the following broad areas: (1) the consistency of the concepts and terminology with the ecological risk paradigm; (2) the consistency of the research strategy and elements with the goals and objectives; (3) the appropriateness of the direction of the Office of Research and Development (ORD) portion of the research, considering the unique capabilities of the organization; (4) the appropriateness of the research areas and other that might be considered in lieu of, or in addition to, those identified; (5) the clarity of ORD's focus and the rationale behind the program direction and out-year emphasis; and (6) the utility of maintaining a core research focus as a planning and research implementation foundation.

(b) *Development of Ecological Risk Management Guidelines:* the Agency has asked the SAB to for advice on the issues and endpoints that should be included in future guidance on ecological risk management. The Committee has been asked to consider a

draft document, Priorities for Ecological Protection: An Initial List and Discussion Document for EPA, prepared by the EPA National Center for Environmental Assessment to determine whether it covers the important ecological risk management issues pertinent to the planning and problem formulation stages of ecological risk assessment.

For Further Information—Any member of the public wishing to obtain copies of the materials provided to the SAB for the meeting should contact the individuals listed below (Review documents are NOT available from the SAB office): (a) draft Ecological Research Strategy—contact Ms. Marlene Alder, Executive Assistant, EPA National Exposure Research Laboratory, MD–75, Research Triangle Park, NC 27711, telephone (919) 541–5031; (b) Priorities for Ecological Protection: An Initial List and Discussion Document for EPA—contact Ms. Anne Barton, EPA Office of Prevention, Pesticides, and Toxic Substances, at (202) 260–9280 or Email: Barton.Anne@epamail.epa.gov.

For a copy of the draft meeting agenda, please contact Ms. Wanda R. Fields, Secretary for EPEC, at (202) 260–8414, Fax at (202) 260–7118, or Email: Fields.Wanda@epamail.epa.gov. Any member of the public wishing to submit brief oral comments to the Committee must contact Stephanie Sanzone, Designated Federal Official for EPEC, *in writing,* no later than 4:00 pm Eastern Time on July 16, 1997 at Science Advisory Board (1400), U.S. EPA, Washington, DC 20460, tel. (202) 260–6557; fax (202) 260–7118; or Email: Sanzone.Stephanie@epamail.epa.gov. Written comments in any length may be provided to Ms. Sanzone any time up through the meeting at the above address. See below for details on providing comments to the SAB.

3. Executive Committee

The Executive Committee (EC) of the Science Advisory Board (SAB) will conduct a public meeting on Wednesday, July 23, 1997 and Thursday, July 24, 1997. The meeting will convene each day at 8:30 am in the Administrator's Conference Room 1103 West Tower of the U.S. Environmental Protection Agency Headquarters Building, 401 M Street, SW, Washington, DC 20460, and will adjourn no later than 5:30 pm on each day (Eastern Daylight Time). The meeting is open to the public, however seating is limited and available on a first-come basis.

At this meeting, the Executive Committee will receive updates from its committees and subcommittees concerning their recent and planned activities. As part of these updates, some committees expect to present draft reports for Executive Committee review and approval. There is a possibility that all the expected drafts may not be presented. *Expected* drafts include:

(a) *Drinking Water Committee*—(1) Review of the Agency report: An Evaluation of the Statistical Performance of a Method for Monitoring Protozoan Cysts in US Source Waters.

(b) *Environmental Engineering Committee*—(1) Review of the National Risk Management Research Laboratory (NRMRL); (2) Review of the Sector Facility Indexing Project; and (3) Review of the Proposed National Guidance on Field Filtration of Ground Water Samples.

(c) *Environmental Health Committee*—(1) Review of the Cancer Risk Assessment Guidelines; and (2) Review of the Mercury Report to Congress.

(d) *Environmental Processes and Effects Committee*—(1) Advisory on the Problem Formulation Phase of EPA's Watershed Ecological Risk Assessment Case Studies; and (2) Evaluation of Superfund Ecotox Threshold Benchmark Values for Water and Sediment.

(e) *Executive Committee*—(1) Review of the ad hoc Subcommittee on Environmental Goals; and (2) Review of the ad hoc Subcommittee on the Agency's 1996 Scientific and Technological Achievement Awards (STAA).

Among a number of other items, the EC currently plans to:

(a) Discuss the plans for completing the Integrated Risk Project.

(b) Discuss the respective roles of the SAB and the ORD Board of Scientific Counselors (BOSC).

(c) Discuss the recent National Research Council report on Research Opportunities and Priorities for the Environment (ROPE).

(d) Meet with Deputy Administrator Fred Hansen to discuss matters of mutual interest.

(e) Discuss recent Agency actions to improvement the functioning of Federal Advisory Committee Act (FACA) groups, such as the SAB.

(f) Discuss various administrative issues, such as the development of ''Expectations'' and the progress of SAB membership selection.

(g) Discuss plans for a fall retreat in which to examine strategic options for the Science Advisory Board over the next few years.

(h) Conduct another session of the Lookout Panel on the afternoon of the second day, focusing on freshwater aquatic ecological issues.

For Further Information—Members of the public desiring additional information concerning the meeting or who wish to submit oral comment must contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee, Science Advisory Board (1400), U.S. EPA, 401 M Street, SW, Washington, DC 20460, telephone (202) 260–4126; fax (202) 260–9232; or Email: Barnes.Don@epamail.epa.gov. Requests to make oral comments must be submitted to Dr. Barnes *in writing,* no later than 4 pm, July 16, 1997. Copies of the draft meeting agenda and available draft reports listed above can be obtained from Ms. Priscilla Tillery-Gadson on (202) 260–8414; fax (202) 260–7118; or Email: Tillery.Priscilla@epamail.epa.gov.

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 minutes total. 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 25, 1997.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 97–17602 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50832; FRL–5729–6]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part l72, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location, telephone number, or e-mail address cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

241–EUP–123. Extension. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543-0400. This experimental use permit allows the use of 560 pounds (280 pounds each year) of the plant growth regulator 1-(3-chlorophthalimido) cyclohexanecarboxamide on 2,000 acres (1,000 acres each year) of hybrid tea roses to evaluate its ability to increase stem production and quality. The program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. The experimental use permit is effective from June 11, 1997 to June 11, 1999. (Cynthia Giles-Parker, PM 22, Rm. 247, CM #2, 703–305–7740, e-mail: giles-parke-r.cynthia@epamail.epamail.epa.gov)

264–EUP–107. Issuance. Rhone-Poulenc Ag Company, P.O. Box 12041, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. This experimental use permit allows the use of 69 pounds of the insecticide 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-carbonitrile on 230 acres of cotton to evaluate the control of the boll weevil, fleahoppers, plant bugs, and thrips. The program is authorized only in the States of Arizona, Louisiana, Mississippi, and Texas. The experimental use permit is effective from June 13, 1997 to June 13, 1998. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Marion Johnson, PM 10, Rm. 210, CM #2, 703–305–6788, e-mail: johnson.marion@epamail.epa.gov)

264–EUP–111. Issuance. Rhone-Poulenc Ag Company, P.O. Box 12041, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. This experimental use permit allows the use of 4.7 pounds of the insecticide 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-carbonitrile on 1,332 acres of rangeland to evaluate the control of grasshoppers. The program is authorized only in the State of Wyoming. The experimental use permit is effective from June 4, 1997 to June 4, 1998. This permit is issued with the limitation that all treated acreage will be fenced so that no livestock will be grazed on the treated acreage, and no grass, hay, or other vegetation from the treated acreage will be cut to be fed to livestock. (Marion Johnson, PM 10, Rm. 210, CM #2, 703–305–6788, e-mail: johnson.marion@epamail.epa.gov)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquires concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: June 26, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97–17592 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–59361; FRL–5729–2]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TME–97–7 and TME–97–8. The test marketing conditions are described below.

DATES: These notices become effective June 26, 1997. Written comments will be received until July 22, 1997.

ADDRESSES: Written comments, identified by the docket number [OPPT–59361] and the specific TME numbers should be sent to: TSCA Nonconfidential Information Center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NEB–607 (7407), 401 M St., SW., Washington, D.C. 20460, (202) 554–1404, TDD (202) 554–0551.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by [OPPT–59361]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on these notices may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Shirley D. Howard, New Chemicals Notice Management Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–611, 401 M St. SW., Washington, DC 20460, (202) 260-3780. e-mail:

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to human health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME–97–7 and TME–97–8. EPA has determined that test marketing of the new chemical substances described below, under the

conditions set out in the TME applications, and for the time periods and restrictions specified below, will not present an unreasonable risk of injury to human health or the environment. Production volume, use, and the number of customers must not exceed that specified in the applications. All other conditions and restrictions described in the applications and in these notices must be met.

Notice of receipt of these applications was not published in advance of approval. Therefore, an opportunity to submit comments is being offered at this time. EPA may modify or revoke the test marketing exemptions if comments are received which cast significant doubt on its finding that these test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TME–97–7 and TME–97–8. A bill of lading accompanying each shipment must state that the use of the substances are restricted to that approved in the TMEs. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substances produced and the date of manufacture.

2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. Copies of the bill of lading that accompanies each shipment of the TME substances.

TME–97–7 and TME–97–8

Date of Receipt: May 23, 1997 (TME–97–7) and June 3, 1997 (TME–97–8). The extended comment period will close July 22, 1997.

Applicant: Reichhold Chemicals Inc.

Chemical: (G) Polyurethane Adhesive.

Use: (G) Hot melted adhesive.

Production Volume: Confidential.

Number of Customers: Confidential.

Test Marketing Period: Confidential. Commencing on first day of commercial manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

List of Subjects

Environmental protection, Test marketing exemptions.

Dated: June 26, 1997.

Flora Chow,

Chief, New Chemicals Notice Management Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 97–17593 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 27, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 5, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commissions, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0621.

Title: Rules and Requirements for Broadband PCS Licenses.

Form No.: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit entities; not-for-profit institutions; state, local or tribal government.

Number of Respondents: 12,000.

Estimated Hour Per Response: .50–20 hours.

Frequency of Response: On occasion reporting and recordkeeping requirement.

Estimated Total Annual Burden: 13,000 hours.

Needs and Uses: The information will be used by the Commission in carrying out its duties to determine the technical, legal, and other qualifications of applicants to obtain a broadband Personal Communications Service license. The information is also used to determine whether grant of an application will serve the public interest, convenience and necessity. The staff uses the information to ensure that licensees who acquire their licenses through competitive bidding are not unjustly enriched by premature transfer of their licenses. Without this information, the Commission could not fulfill its statutory responsibilities.

OMB Control No.: 3060–0508.

Title: Rewrite and Update of Part 22.

Form No.: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit entities; not-for-profit institutions; state, local or tribal government.

Number of Respondents: 20,860.

Estimated Hour Per Response: .25–600 hours.

Estimated Annual Burden: 76,140 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: N/A.

Frequency of Response: On occasion reporting and recordkeeping requirement.

Needs and Uses: The information collections contained in Part 22 are used by the Commission in carrying out its duties to determine the technical, legal

and other qualifications of applicants to operate a station in the Public Mobile services. The information is also used to determine whether grant of an application will serve the public interest, convenience and necessity. The staff uses the information to ensure that applicants and licensees comply with ownership and transfer restrictions. Without this information, the Commission could not fulfill its statutory responsibilities.

OMB Approval No.: 3060–0261.

Title: Section 90.215, Transmitter measurements.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit entities; not-for-profit institutions; state, local or tribal governments.

Number of Respondents: 129,900.

Estimated Hour Per Response: .033 hours.

Frequency of Response: Recordkeeping requirement.

Estimated Total Annual Burden: 4,287 hours.

Needs and Uses: This information collection requires technical measurements on each transmitter upon initial installation. This information helps assure proper operation of transmitters, thereby reducing instances of interference.

OMB Approval No.: 3060–0295.

Title: Sections 90.607(b)(1) and (c)(1), Supplemental information to be furnished by applicants for facilities under this subpart.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; state, local or tribal government.

Number of Respondents: 2,028.

Estimated Hour Per Response: .025 hours.

Frequency of Response: On occasion reporting requirement.

Estimated Total Annual Burden: 507 hours.

Needs and Uses: This information collection requires certain applicants requesting 800 MHz facilities to furnish a list of any other licensed facilities they hold within 40 miles of the applied for base station. This information is used to determine if an applicant's proposed system is necessary in light of communications facilities it already owns.

OMB Approval No.: 3060–0624.

Title: Amendment of the Commission's Rules to Establish New Personal Communications Services.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit entities; not-for-profit institutions; state, local or tribal governments.

Number of Respondents: 1,782.

Estimated Hour Per Response: 15.1 hours.

Frequency of Response: 1, 5, or 10 years, depending on the license.

Estimated Total Annual Burden: 26,843 hours.

Needs and Uses: This information collection requires all narrowband PCS licensees, except for paging response channel licensees, to file materials that show their compliance with the construction requirements of this service. These requirements were adopted to ensure that licensees quickly construct their systems and that the systems serve significant areas.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17532 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

June 23, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 6, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0565.

Title: Section 76.944 Commission review of franchising authority decisions on rates for the basic service tier and associated equipment.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit; state and local governments.

Number of Respondents: 300. (150 cable operators+150 LFAs).

Estimated Time Per Response: 2–30 hours.

Total Annual Burden: 5,400 hours estimated as follows: We estimate that approximately 150 appeals are filed annually. For all aspects of the filing process (including appeals, oppositions and replies), we estimate that cable operators spend an average of 30 hours on each filing and that local franchising authorities spend an average of 20 hours on each filing. We estimate that cable operators will use in-house legal staff to file requests for appeals approximately 50% of the time, therefore using outside legal assistance 50% of the time. When using outside legal assistance, operators are estimated to undergo a burden of 2 hours per filing to coordinate information with the outside legal assistance. 75 cable operators×30 hours for in-house filings=2,250. 75 cable operators×2 hours for filings done by outside legal assistance=150. 150 LFAs×20 hours for each filing=3,000. Total burden=2,250+150+3,000=5,400 hours.

Cost to Respondents: We estimate the postage and stationery costs incurred by parties for appeal case to be $10 per party ($20 per case). 150×$20=$3,000. We estimate that cable operators contracting out legal assistance will pay $150 per hour for the assistance. 75 cable operators paying outside legal

assistance at $150 per hour at 30 hours per filing=$337,500. Total annual costs to
respond-
ents = $3,000+$337,500 = $340,500.

Needs and Uses: The information is reviewed by the Commission to ensure that franchising authority decisions regarding cable rates are consistent with the provisions of the Cable Television Consumer Protection and Competition Act of 1992 and the Commission's rules regarding cable rate regulation. Commission review of appeals is necessary to ensure uniformity of interpretation of these federal guidelines.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17526 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

June 30, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 6, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to Jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0536.

Title: Rules and Requirements for Telecommunications Relay Services (TRS) Interstate Cost Recovery.

Form Number: FCC Form 431.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 5,000.

Estimated Time Per Response: 3.1 hours.

Total Annual Burden: 15,593 hours.

Cost of Respondents: N/A.

Needs and Uses: 47 CFR Part 64, Subpart F, implements the shared-funding program for the recovery of interstate telecommunications relay services (TRS) costs. All common carriers must contribute to the TRS Fund and complete FCC Form 431. Providers seeking reimbursement must provide certain data. The information will be used to administer the program.

OMB Approval Number: 3060–XXXX.

Title: Uniform Rate-Setting Methodology.

Type of Review: New collection.

Respondents: Business or other for-profit; state, local or tribal government.

Number of Respondents: 160.

Estimated Time Per Response: 21.8 hours.

Total Annual Burden: 3,500 hours.

Cost of Respondents: We estimate that cable operators will have postage and stationery expenses of $15 per rate proposal to serve copies of the proposal and each set of replies on the Commission and affected LFAs. (10 × $15 = $150.) We estimate that postage and stationery expenses for each LFA will be $5 to file comments on each proposal. (10 proposals × 15 LFAs per proposal × $5 = $750.) Total costs to all respondents = $900.

Needs and Uses: On March 14, 1997, the Commission released a Report and Order, FCC 97–86, which permits the establishment of uniform rates across multiple franchise areas on a case-by-case basis upon the Commission's finding that the operator's submission of a uniform rate proposal and supporting justification demonstrates that the proposed rate structure will be reasonable, taking into account all critical factors relevant to its implementation.

OMB Approval Number: 3060–0427.

Title: Section 73.3523, Dismissal of applications in renewal proceedings.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 1.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 1 hour.

Cost to Respondents: We assume that the respondent would contract out with an attorney for the completion and filing of the request for approval. We estimate that the respondent would spend approximately 1 hour in consultation with this attorney. The respondent would be the applicant for a new broadcast station. We estimate that the respondent would have an average salary of $60,000/year ($28.74/hour).

We also assume that the respondent would contract with an attorney to complete and file written agreements. We estimate that this attorney would have an average hourly salary of $200/hour—1 request × 8.0 hours × $200/hour = $1,600.

Needs and Uses: Section 73.3523 requires an applicant for a construction permit to obtain approval from the FCC to dismiss or withdraw its application when that application is mutually exclusive with a renewal application. This request for approval must contain a copy of any written agreement and an affidavit, stating that it has not received any consideration (pre-Initial Decision) or it has not received any consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/withdrawal of its application. In addition, within 5 days of the applicant's request for approval, each remaining competing applicant and the renewal applicant must submit an affidavit certifying that it has not paid any consideration, or that it has not paid consideration in excess of legitimate and prudent expenses for the dismissal/withdrawal of a competing application. The data is used by FCC staff to ensure that an application was filed under appropriate circumstances and not to extract payments prohibited by the Commission.

OMB Approval Number. 3060–0681.

Title: Toll-Free Service Access Codes—CC Docket No. 95–155; 47 CFR Part 52, Subpart D, Sections 52.101–52.111.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions.

Number of Respondents: 168.

Estimated Time Per Response: 15 hours.

Total Annual Burden: 2,520 hours.

Cost to Respondents: N/A.

Needs and Uses: In the Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket 95–155, FCC 97–123, a rule is promulgated requiring RespOrgs who wish to make a specific toll free number unavailable to submit written requests to DSMI, the toll-free database administrator. The requests shall include the appropriate documentation of the reason for the request.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17527 Filed 7–3–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Submitted to OMB for Review and Approval

June 30, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 6, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: On December 31, 1996, the Commission released a Memorandum Opinion and Order (''MO&O''), FCC 96–491, MM Docket No. 92–266, in response to the decision of the court in Time Warner Co. v. FCC, 56 F.3d 151 (D.C. Cir. 1995). Among other things, the MO&O revised Commission rulesection 47 CFR 76.913 Assumption of jurisdiction by the Commission. Section 76.913 permits local franchising authorities (''LFAs'') that are unable to meet certification standards to petition the Commission to regulate the rates for basic cable service and associated equipment of its franchisee. If the franchising authority lacks the resources to administer rate regulation, its petition no longer must be accompanied by a demonstration that franchise fees are insufficient to fund any additional activities required to administer basic service rate regulation. Elimination of this requirement constitutes a modified information collection requirement. All other information collection requirements contained in Section 76.913 remain intact. The MO&O also amended Commission rulesection 47 CFR 76.922 Rates for Basic Service Tiers and Cable Programming Tiers. Section 76.922(f)(4) was amended to permit cable operators to adjust their current permissible rates to reflect the rates the operators would currently be charging if they had been permitted to include increases in external costs occurring between September 30, 1992 and their initial date of regulation (this period of time is also referred to as the ''gap period'') reduced by inflation increases already received with respect to those costs. The increase in rates due to external cost changes that occurred during the gap period shall be reflected in the cable operator's next rate adjustment filing in accordance with the Commission's current rules. Section 76.922(f)(4) is the only portion of Section 76.922 to be amended by the MO&O, therefore, the other information collection requirements contained in Section 76.922 remain intact. The information collection control number 3060–0607 reports on some, but not all, of the information collection requirements contained in Section 76.922. Specifically, 3060–0607 reports on the Section 76.922(f)(4) gap period adjustment process, as well as the Section 76.922(b)(5) streamlined rate reduction process and the Section 76.922(e)(7) headend upgrade certification process. Although the MO&O only amended the gap period process, pursuant to the provisions of the Paperwork Reduction Act, we are required to initiate OMB review and public comment on the entire OMB control number 3060–0607. We therefore invite the public to take this opportunity to also comment on the streamlined rate reduction process and the headend upgrade certification process. Section 76.922(b)(5) provides that an eligible small system that elects to use the streamlined rate reduction process must implement the required rate reductions and provide written notice of such reductions to local subscribers, the local franchising authority (''LFA''), and the Commission.

Section 76.922(e)(7) permits qualified small systems and small systems owned by small multiple system operators to increase rates to recover the actual cost of the headend equipment required to add up to seven channels to Cable Programming Service Tiers (''CPSTs'') and single-tier systems, not to exceed $5,000 per additional channel. These rate increases may occur between January 1, 1995 and December 31, 1997, as a result of additional channels offered on those tiers after May 14, 1994. In order to recover costs for headend equipment pursuant to this paragraph, systems must certify to the Commission their eligibility to use this paragraph, and the level of costs they have actually incurred for adding the headend equipment and the depreciation schedule for the equipment.

OMB Approval Number: 3060–0561.

Title: Section 76.913 Assumption of jurisdiction by the Commission.

Type of Review: Revision of an existing collection.

Respondents: Business and for profit entities; state, local and tribal governments.

Number of Respondents: 50.

Estimated Time Per Response: 8 hours.

Total Annual Burden to Respondents: We estimate that 50 petitions are filed annually. The average burden on petitioners is estimated at an average of 8 hours per petition. 50 petitions × 8 hours per petition = 400 hours.

Total Annual Cost to Respondents: Postage and stationery costs are estimated at an average of $10 per petition. 50 petitions × $10 = $500.

Needs and Uses: The information collection requirements reported under this control number are used by Commission staff to identify situations where it should exercise jurisdiction over basic service and equipment rates in place of a local franchising authority. If the information were not collected, the basic cable rates of some franchise areas not subject to effective competition would remain unregulated in contravention of the goals of the 1992 Cable Act.

OMB Approval Number: 3060–0607.

Title: Section 76.922 Rates for Basic Service Tiers and Cable Programming Tiers.

Type of Review: Revision of a currently approved collection.

Respondents: Business and for profit entries; state, local and tribal governments.

Number of Respondents: 4,475 (2,200 operators filing gap period rate adjustments + 2,200 LFAs reviewing such adjustments + 25 small systems opting for the streamlined rate reduction process + 50 headend upgrade certifications).

Estimated Time Per Response: 1–12 hours.

Total Annual Burden to Respondents: 9,150 hours calculated as follows:

—Section 76.922(f)(4) contains a one-time only information collection requirement. We estimate that the average burden for operators to supply gap period data with their next rate adjustment filing will be 2 hours per filing and that there will be approximately 2,200 such filings made in the next year. The burden to operators to file = 2,200 filings × 2 hours = 4,400 hours. The burden to LFAs to review this information is also estimated to be an average of 2 hours per filing, therefore 2,200 filings reviewed by LFAs × 2 hours = 4,400 hours.

—Section 76.922(b)(5) streamlined rate reduction process. We estimate that 25 systems per year use this process. The average burden for undergoing all aspects of each streamlined rate reduction process (all rate calculation, notice and reporting requirements) is estimated to be 12 hours per respondent. 25 systems × 12 hours = 300 hours.

—Section 76.922(e)(7) headend upgrade certification process. Qualifying cable systems owned by small cable companies may certify their eligibility to use the Commission's headend upgrade incentive. The average burden to complete the certification process is estimated to be 1 hour. We estimate 50 certifications are currently filed per year. 50 certifications × 1 hour = 50 hours.

Total Annual Cost to Respondents: $500 calculated as follows: There are no unique costs incurred for gap period rate adjustments because they are made as part of regular rate adjustment filings. Costs incurred for regular rate adjustment filings have been appropriately reported under their respective OMB control numbers. Postage and stationery costs are estimated at an average of $10 per each complete streamlined rate reduction process. 25 × $10 = $250. Postage and stationery costs are estimated at an average of $5 per each headend upgrade certification. 50 × $5 = $250.

Needs and Uses: Section 76.922(f)(4) has been amended to permit cable operators to adjust their current permissible rates to reflect the rates the operators would currently be charging if they had been permitted to include increases in external costs occurring between September 30, 1992 and their initial date of regulation reduced by inflation increases already received with respect to those costs. The remainder of the information collections requirements reported under this OMB control number are used by Commission staff to ensure that small systems have alternatives under the Commission's system of cable rate regulation and to ensure that small systems are able to recover costs for headend upgrades.

Fereral Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17531 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 97–121; FCC 97–228]

Application for Authorization Under Section 271 of the Communications Act to Provide In-Region InterLATA Service in the State of Oklahoma

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Memorandum Opinion and Order (Order) in CC Docket No. 97–121 concludes that SBC Communications Inc. (SBC) has not satisfied the requirements of section 271(c)(1) of the Communications Act of 1934, as amended (Act). The Commission therefore denies, pursuant to section 271(d)(3), SBC's application to provide in-region interLATA services in Oklahoma. The Order declines to grant SBC authority to provide in-region interLATA services in Oklahoma.

EFFECTIVE DATE: June 26, 1997.

FOR FURTHER INFORMATION CONTACT: Craig Brown, Attorney, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted June 25, 1997, and released June 26, 1997. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc97–228.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M St., N.W., Suite 140, Washington, D.C. 20037.

Synopsis of Order

1. On April 11, 1997, SBC Communications Inc. and its subsidiaries, Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance, (collectively, SBC) filed an application for authorization under section 271 of the Act, to provide in-region interLATA services in the State of Oklahoma. For the reasons set forth below, the Commission concludes that SBC has not satisfied the requirements of section 271(c)(1). The Commission therefore denies, pursuant to section 271(d)(3), SBC's application to provide in-region interLATA services in Oklahoma.

2. Section 271 requires the Commission to make several findings before approving a BOC's application for in-region interLATA authority. As a preliminary matter, a BOC must show that it satisfies the requirements of either section 271(c)(1)(A) or 271(c)(1)(B). In order to satisfy section 271(c)(1)(A), a Bell Operating Company (BOC) must demonstrate that it ''is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service . . . to residential and business subscribers.'' The Commission concludes that the use of the term ''competing provider[]'' in section 271(c)(1)(A) suggests that there must be a viable commercial alternative to the

BOC in order to satisfy section 271(c)(1)(A).

3. According to SBC, its ''implemented agreement with Brooks Fiber (Brooks) satisfies all the requirements of [section 271(c)(1)(A)].'' The Commission concludes, however, that Brooks' provision of local exchange service on a test basis to the homes of four of its employees does not qualify Brooks as a ''competing provider[ ] of telephone exchange service . . . to residential . . . subscribers,'' as required by section 271(c)(1)(A). Nor is the Commission persuaded that Brooks is a competing provider of telephone exchange service to residential and business subscribers merely because it has an effective tariff in place for the provision of both business and residential service in Oklahoma, or because it may have engaged in certain types of limited media advertising. Brooks represents, and SBC has not disputed, that Brooks ''is not now offering residential service in Oklahoma, nor has it ever offered residential service in Oklahoma,'' and that it ''is not accepting any request in Oklahoma for residential service.'' As a result, the Commission concludes that SBC has not demonstrated on this record that it is providing access and interconnection to an unaffiliated, facilities-based competing provider of telephone exchange service to residential and business subscribers, as required by section 271(c)(1)(A) of the Act.

4. The Commission further concludes that, under the circumstances presented in this application, SBC may not obtain authorization to provide in-region interLATA services in Oklahoma pursuant to section 271(c)(1)(B) at this time. Section 271(c)(1)(B) of the Act allows a BOC to seek entry without satisfying section 271(c)(1)(A) if ''no such provider has requested the access and interconnection described in [section 271(c)(1)(A)]'' and the BOC's statement of generally available terms and conditions has been approved or permitted to take effect by the applicable state regulatory commission. All parties appear to agree that, if SBC has received a ''request'' that is referred to in section 271(c)(1)(B), which is hereinafter referred to as a ''qualifying request,'' the statute bars SBC from proceeding under Track B. The Commission agrees with this analysis and concludes that, in order to decide whether SBC's application may proceed under Track B, the Commission must determine whether SBC has received a ''qualifying request''. The Commission concludes that a qualifying request under section 271(c)(1)(B) is a request for negotiation to obtain access and interconnection that, if implemented, would satisfy the requirements of section 271(c)(1)(A). The Commission further concludes that the request for access and interconnection must be from an unaffiliated competing provider that seeks to provide the type of telephone exchange service described in section 271(c)(1)(A). Such a request need not be made by an operational competing provider, as some BOCs suggest. Rather, the qualifying request may be submitted by a potential provider of telephone exchange service to residential and business subscribers.

5. The Commission reaches this conclusion for several reasons. As a matter of statutory interpretation, the Commission finds that this reading, by giving full effect to the meaning of the term ''request'' in section 271(c)(1)(B), is the one most consistent with the statutory design. In addition, as a matter of policy, the Commission finds that this interpretation will best further Congress' goal of introducing competition in the local exchange market by giving BOCs an incentive to cooperate with potential competitors in providing them the facilities they need to fulfill their requests for access and interconnection. Moreover, the Commission finds this interpretation to be particularly sound in contrast to the extreme positions set forth by SBC and its potential competitors.

6. Under SBC's interpretation of section 271(c)(1)(B), only operational facilities-based competing providers may submit qualifying requests that preclude a BOC from proceeding under Track B. Adoption of this interpretation of a qualifying request would create an incentive for a BOC to delay the provision of facilities in order to prevent any new entrants from becoming operational and, thereby, preserve the BOC's ability to seek in-region interLATA entry under Track B. As the Department of Justice observes, this reading of section 271(c)(1)(B) would effectively ''reward the BOC that failed to cooperate in implementing an agreement for access and interconnection and thereby prevented its competitor from becoming operational.'' Opponents of SBC's application offer a radically different—and, in the Commission's view, equally unreasonable—interpretation of when a qualifying request has been made. These parties claim that any request for access and interconnection submitted by a potential new entrant to a BOC is a qualifying request and precludes the BOC from proceeding under Track B. The Commission concludes, however, that this statutory reading could create an incentive for potential competitors to ''game'' the negotiation process by submitting an interconnection request that would foreclose Track B but, if implemented, would not satisfy the requirements of section 271(c)(1)(A). Such a result would effectively give a BOC's potential competitors in local telecommunications markets the power to deny the BOC entry into the in-region interLATA market.

7. On the basis of the record in this proceeding, the Commission finds that SBC has received at least several qualifying requests for access and interconnection that, if implemented, will satisfy the requirements of section 271(c)(1)(A). The Commission therefore concludes that SBC, at this time, may not pursue in-region interLATA entry in Oklahoma under section 271(c)(1)(B).

8. Because SBC has failed to meet the requirements of either section 271(c)(1)(A) or section 271(c)(1)(B), the Commission finds it unnecessary to address SBC's compliance with the competitive checklist requirements set forth in section 271(c)(2)(B). Nonetheless, the Commission recognizes that even if SBC had satisfied the requirements of section 271(c)(1)(A) or 271(c)(1)(B), it would still be required to demonstrate compliance with each and every item of the competitive checklist, including access to physical collocation, cost-based unbundled loops, and reliable OSS functions before it may gain in-region interLATA entry. The Commission leaves it to future applications to define the scope of these and other checklist requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17267 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 97–1352]

North American Numbering Council; Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On July 1, 1997, the Commission released a public notice announcing the next meeting of the North American Numbering Council and the Agenda for that meeting. The intended effect of this action is to make the public aware of the NANC's next meeting and its Agenda.

FOR FURTHER INFORMATION CONTACT: Jeannie A. Grimes, Paralegal Specialist, assisting the NANC at (202) 418–2313, or via the internet at jgrimes@fcc.gov. The mailing address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW, Suite 235, Washington, DC 20054. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: Released: July 1, 1997. The next meeting of the North American Numbering Council (NANC) will be held on Tuesday, July 22, 1997, at 8:30 A.M. EST at the Federal Communications Commission, 1919 M Street, NW, Washington, DC. This meeting will be open to members of the general public. The FCC will attempt to accommodate as many people as possible. Admittance, however will be limited to the seating available. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Jeannie A. Grimes at the address under **FOR FURTHER INFORMATION CONTACT,** stated above.

Agenda

The planned agenda for the July 22, 1997, meeting is as follows:

1. Number Pooling Update: Industry Numbering Committee (INC) Report, and Wireless Perspective on Pooling Solutions.
2. Discussion and Resolution of INC Guideline Issues Presented at June 10, 1997, NANC Meeting.
3. CLC Ad Hoc Committee Report: Update on Short-Term Solutions to NXX Exhaust.
4. NANPA Central Office (CO) Code Transition Task Force: Update.
5. Attendance at NANC Meetings.
6. Other Business.
7. Statement of Actions Items and Decisions Reached.

Federal Communications Commission.

Geraldine A. Matise,

Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 97–17646 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–297]

Petitions for Reconsideration and Clarification

AGENCY: Notice; Correction.

FOR FURTHER INFORMATION CONTACT: Charles Alston (202) 418–0270.

SUMMARY: This document corrects Report No. 2203 regarding petitions for reconsideration and clarification published in the **Federal Register** on June 17, 1997, (FR Doc 97–15816). On page 32809, column three, the number of petitions filed is corrected to read 5 instead of 3.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17573 Filed 7–3–97; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: National Fire Academy Course Evaluation Form.

FEMA Form Number: 95–20.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0234.

Abstract: FEMA uses the National Fire Academy Course Evaluation Form to evaluate on-campus courses delivered at the NFA facility, located in Emmitsburg, Maryland. It is also used to evaluate NFA regional courses, which are identical to the NFA resident courses, offered in selected regions to students unable to travel to the Emmitsburg campus. The data that is provided by students evaluating an NFA course is used to determine the need for course improvements and the degree of student satisfaction with the course experience.

Affected Public: Individuals.

Number of Respondents: 5,500.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 1,375.

Frequency of Response: The evaluation form is completed after the completion of a course.

Comments: Interested persons are invited to submit written comments on the proposed information collection to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625, FAX number (202) 646–3524, e-mail address Muriel.Anderson@FEMA.gov.

Dated: June 24, 1997.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 97–17630 Filed 7–3–97; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Disaster Assistance; Hazard Mitigation Grant Program (Subpart N)

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice revises the current designation process for disaster declarations for assistance under the Hazard Mitigation Grant Program (HMGP), authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472; (202) 646–3619, (facsimile) (202) 646–3104.

SUPPLEMENTARY INFORMATION: In the past, Hazard Mitigation Grant Program (HMCP) funds were only available in counties designated eligible by FEMA for Individual Assistance (IA) or Public Assistance (PA). Pursuant to the Stafford Act, both PA and IA funds address damage or hardship resulting from the major disaster, however, HMGP funds are intended to reduce the

risk future damage or hardship. As a result, FEMA has determined that the use of HMGP funds should not be limited only to counties designated eligible for IA or PA funds. Therefore, this notice makes pubic that following the declaration of a major disaster by the President, all counties within the State may be designated by FEMA as eligible for HMGP funds. The process of requesting that FEMA designate areas for assistance will remain unchanged.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 97–17654 Filed 7–3–97; 8:45 am]

BILLING CODE 6718–05–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Radiological Emergency Preparedness (REP) Program's Web Site

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: The Preparedness, Training, and Exercises Directorate of the Federal Emergency Management Agency has created a Radiological Emergency Preparedness (REP) Program section for inclusion in the Emergency Preparedness and Training portion of the FEMA web site (www.fema.gov). The REP Program is a hazard-specific program which affects nearly five million people living within the vicinity of the Nation's commercial nuclear power plants. The data contained on the REP Program pages will facilitate information sharing with FEMA partners and stakeholders.

The REP Program pages can be accessed through the ''Emergency Preparedness and Training'' link on FEMA's web site. The Universal Resource Locator (URL) is *www.fema.gov/pte/rep*. Information on all continuing REP Program-related initiatives, including updates on the REP Strategic Review, can be found there, as well as nuclear power plant profiles.

FOR FURTHER INFORMATION CONTACT:

Ihor W. Husar, Chief, State and Local Regulatory Evaluation and Assessment Branch, Exercises Division, Preparedness, Training, and Exercises Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4065.

Dated: June 26, 1997.

Kay C. Goss,

Associate Director for Preparedness, Training, and Exercises.

[FR Doc. 97–17629 Filed 7–3–97; 8:45 am]

BILLING CODE 6718–06–M

FEDERAL MARITIME COMMISSION

[Docket No. 97–13]

Pan American Grain Co. and Pan American Grain Mfg. Co., Inc. v. Puerto Rico Ports Authority and International Shipping Agency, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Pan American Grain Co. and Pan American Grain Mfg. Co., Inc. (''Complainants'') against Puerto Rico Port Authority (''PRPA'') and International Shipping Agency, Inc. (''Respondents'') was served June 30, 1997. Complainants allege that the Respondents have violated sections 5(a), 10(a) (2), (3), (b) (11) and (12), and 10(d) (1) and (3) of the Shipping Act of 1984, 46 U.S.C. app. sections 1704(a) and 1709(a)(2), (a)(3), (b)(11), (b)(12), (d)(1) and (d)(3), by entering into and implementing unfiled cooperative working arrangements to regulate conditions of service at the Port of San Juan, allocating terminal facilities in an exclusionary manner and denying and interfering with Pan American's operations of such facilities. Complainants allege that respondent PRPA has refused to negotiate with or make available to Complainants adequate and suitable terminal, pier, dock, and storage facilities, granted concessions to respondent Intership while denying comparable terminal use to Complainants', and that Intership has interfered with Complainants' right to use terminal facilities.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material facts that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matter in issue in such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by June 30, 1997, and the final decision of the Commission shall be issued by October 28, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 97–17519 Filed 7–3–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. 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 28, 1997.

A. Federal Reserve Bank of Cleveland (Jeffrey Hirsch, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Citizens National Corporation, Paintsville, Kentucky; to acquire 100 percent of the voting shares of Josephine Bancshares, Inc., Prestonburg, Kentucky, and thereby indirectly acquire The Bank Josephine, Prestonburg, Kentucky.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Northwest Suburban Bancorp., Inc. (in formation), Arlington Heights, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Mount Prospect National Bank (in organization), Mount Prospect, Illinois.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Community Bancshares, Inc., Denver, Colorado; to acquire 100 percent of the voting shares of Upper Rio Grande Bank Corporation, Del Norte, Colorado, and thereby indirectly acquire Rio Grande County Bank, Del Norte, Colorado.

Board of Governors of the Federal Reserve System, June 30, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–17517 Filed 7-3-97; 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 31, 1997.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Community Bancshares, Inc., Butler, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank, Appleton City, Missouri.

Board of Governors of the Federal Reserve System, July 1, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–17627 Filed 7–3–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. (EDT), July 14, 1997.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the June 9, 1997, Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of KPMG Peat Marwick audit report:

''Pension and Welfare Benefits Administration Review of the Thrift Savings Plan System Enhancements and Software Change Controls at the United States Department of Agriculture, National Finance Center''

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: July 2, 1997.

John J. O'Meara,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 97–17768 Filed 7–2–97; 2:15 pm]

BILLING CODE 6760–01–M

FEDERAL TRADE COMMISSION

[File No. 972–3032]

Efficient Labs, Inc.; Blas Reyes-Reyes; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Klurfeld, Federal Trade Commission, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103. (415) 356–5270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for June 26, 1997), on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Efficient Labs, Inc. and Blas Reyes-Reyes.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw

from the agreement or make final the agreement's proposed order.

The Commission's complaint alleges that the proposed respondents made the following unsubstantiated representations about Venoflash; it removes dangerous clogs in the circulatory system; it treats the symptoms of varicose veins; and it treats the symptoms of hemorrhoids.

The proposed order contains provisions designed to remedy the violations charged and to prevent proposed respondents from engaging in similar acts in the future.

Paragraph I of the proposed order prohibits proposed respondents from representing that Venoflash or any other product removes dangerous clogs in the circulatory system; treats the symptoms of varicose veins; and treats the symptoms of hemorrhoids, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Paragraph II of the proposed order prohibits respondents from making any representation about the health benefits, performance, safety, or efficacy of Venoflash, or any food, dietary supplement, or drug, promoted or used to treat conditions or illnesses related to the circulatory system, unless, at the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Paragraph III of the proposed order provides that nothing in this order shall prohibit proposed respondents from making any representation for any product permitted by the Food and Drug Administration. Paragraph IV of the proposed order provides that nothing in this order shall prohibit proposed respondents from making any representation for any drug permitted by the Food and Drug Administration.

Paragraph V of the proposed order requires the proposed respondents to keep and maintain all advertisements and promotional materials containing any representation, and all materials that were relied upon in disseminating the representations, covered by the proposed order. Additionally, Paragraph VI requires distribution of a copy of the consent order to current and future officers and agents. Further, Paragraph VII provides for Commission notification upon a change in the corporate respondent, and Paragraph VIII requires Commission notification when the individual respondent changes his present business or employment. Paragraph IX requires proposed respondents to file compliance reports with the Commission.

Lastly, Paragraph X provides for the termination of the order after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin Berman,

Acting Secretary.

[FR Doc. 97–17562 Filed 7–3–97; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 962–3194]

Rogerio Monteiro and Eliana Crema, Individually and Doing Business as Leeka Products; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Michael J. Bloom, Federal Trade Commission, New York Regional Office, 150 William Street, Suite 1300, New York, NY 10038. (212) 264–1207.

Donald G. D'Amato, Federal Trade Commission, New York Regional Office, 150 William Street, Suite 1300, New York, NY 10038. (212) 264–1207

Denise Tighe, Federal Trade Commission, New York Regional Office, 150 William Street, Suite 1300, New York, NY 10038. (212) 264–1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for June 26, 1997), on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from respondents Rogerio Monteiro and Eliana Crema, doing business as Leeka Products, who market Super Formula Reductora, Perfect Shape Crema Sudadora, and Tratamiento para Combatir la Caida del Cabello.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should make the final the agreement's proposed order, or withdraw from the agreement and take other appropriate action.

This matter concerns the advertising of Leeka brand products. Advertisements for Super Formula Reductora make claims that the product will control and regulate metabolism, reduce appetite, burn or dissolve fat, and cause weight loss. The advertisements for Crema Sudadora Perfect Shape claim that the cream causes better results from exercise, increases the number of calories burned during exercise, and causes the user to get lean faster. Advertisements for Tratamiento para Combatir la Caida del Cabello, which means ''Treatments to Fight Hair Loss,'' claim that the product will prevent or retard hair loss. The

Commission's complaint charges that the respondents did not posses and rely upon a reasonable basis that substantiated the claims at the time they were made.

Additionally, the complaint alleges the advertisements falsely represent that scientific studies of Chromium Picolinate demonstrate that Super Formula Reductora will cause weight loss.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the proposed order prohibits the respondents from making unsubstantiated claims that Super Formula Reductora, Crema Sudadora Perfect Shape, Tratamiento para Combatir la Caida del Cabello or any food, dietary supplement, cosmetic or drug, controls and regulates metabolism; reduces appetite; burns or dissolves fat; causes better results from exercise; increases calories burned during exercise; provides any weight loss, fat loss, weight regulation, weight control, or weight maintenance benefits; or will prevent or retard hair loss.

Part II of the proposed order prohibits the respondent from representing that any product prevents hair loss, unless the product is the subject or an approved new drug application for such purpose under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 *et seq., provided that,* the requirement shall not limit the requirements of Order Part I.

Part III of the proposed order prohibits the respondents from making any representation about the benefits, performance, or efficacy of its products unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part IV of the proposed order prohibits the respondents from using the name ''Tratamiento para Combatir la Caida del Cabello'' or any other name that represents that a product will prevent or retard hair loss, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the presentation.

Part V of the proposed order prohibits the respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretation of any test, study, or research.

Parts VI and VII of the proposed order harmonize the requirements of the order with the Nutrition Labeling and Education Act of 1990 and with Food and Drug Administration procedures.

The proposed order requires respondents to maintain advertisements and promotional material and materials relied upon to substantiate the claims covered by the order; to provide a copy of the consent agreement to certain personnel in the company; to notify the Commission of certain changes in the company; to notify the Commission of changes in the respondents' employment; and to file reports regarding compliance with the order.

Part IX of the proposed order states that the order terminates 20 years from the date of issuance, except under certain specified conditions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin Berman,

Acting Secretary.

[FR Doc. 97–17561 Filed 7–3–97; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Three Meetings of the National Bioethics Advisory Commission (NBAC): Its Genetics Subcommittee, Its Human Subjects Subcommittee, and a Full Commission Meeting

SUMMARY: Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is given of three meetings of the National Bioethics Advisory Commission. The Commission will continue addressing the protection of the rights and welfare of human subjects in research including disadvantaged populations as well as issues in genetics including genetics information relative to tissue storage. The meetings are open to the public and opportunities for statements by the public will be provided.

Dates/times	Locations
Genetics Subcommittee; July 14, 1997, 11:00 am–5:00 pm.	National Institutes of Health, 9000 Rockville Pike, Building 31, 6th Floor, Conference Room 10, Bethesda, Maryland 20892.
Human Subjects Subcommittee; July 15, 1997, 9:00 am–5:00 pm.	National Institutes of Health, 9000 Rockville Pike, Building 31, 6th Floor, Conference Room 10, Bethesda, Maryland 20892.
Full Commission And Subcommittees; September 18–19, 1997, 7:30 am–5:00 pm.	National Institutes of Health, 9000 Rockville Pike, Building 31, 6th Floor, Conference Room 10.

SUPPLEMENTARY INFORMATION: The President established the National Bioethics Advisory Commission (NBAC) by Executive Order 12975 on October 3, 1995. The mission of the NBAC is to advise and make recommendations to the National Science and Technology Council and other entities on bioethical issues arising from the research on human biology and behavior, and in the applications of that research including clinical applications.

Public Participation

The meetings are open to the public with attendance limited by the availability of space. Members of the public who wish to present oral statements should contact the Deputy Executive Director of the NBAC by telephone, fax machine, or mail as shown below prior to the meeting as soon as possible. The Chairs of the full Commission and subcommittees will reserve time for presentations by persons requesting to speak. The order of speakers will be assigned on a first come, first serve basis. Individuals unable to make oral presentations are encouraged to mail or fax their comments to the NBAC staff office at least four business days prior to the meeting for distribution to the subcommittee members or Commission and inclusion in the public record. Persons needing special assistance, such as sign language interpretation or other special accommodations, should contact NBAC staff at the address or telephone number listed below as soon as possible.

FOR FURTHER INFORMATION CONTACT: Ms. Henrietta D. Hyatt-Knorr, National Bioethics Advisory Commission, MSC–7508, 6100 Executive Boulevard, Suite 3C01, Rockville, Maryland 20892–7508, telephone 301–402–4242, fax number 301–480–6900.

Henrietta D. Hyatt-Knorr,

Deputy Executive Director, Acting, National Bioethics Advisory Commission.

[FR Doc. 97–17637 Filed 7–3–97; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee Meeting; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of meeting of the Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee. This meeting was announced in the **Federal Register** of June 19, 1997. The amendment is being made to reflect a change in the procedure for the meeting to add a second day for oral presentations from the public. An extension has been designated for notification of written and oral presentations. There are no other changes. This amendment will be announced at the beginning of the open portion of the meeting.

FOR FURTHER INFORMATION CONTACT: Elisa D. Harvey, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 19, 1997 (62 FR 33426), FDA announced that a meeting of the Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee would be held on July 14 and 15, 1997. On page 33426, in the third column, the ''*Procedure*'' portion is amended to read as follows:

Procedure: On July 14, 1997, from 9:30 a.m. to 5 p.m., and on July 15, 1997, from 8:30 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 8, 1997. Oral presentations from the public will be scheduled between approximately 10 a.m. and 11 a.m. on July 14, 1997, and between approximately 8:30 a.m. and 9:30 a.m. on July 15, 1997. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 8, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Dated: July 1, 1997.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 97–17675 Filed 7–2–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on August 7, 1997, 12:30 p.m. to 3:30 p.m.

Location: Food and Drug Administration, Bldg. 29, conference room 121, 8800 Rockville Pike, Bethesda, MD. This meeting will be held by a telephone conference call. A speaker phone will be provided in the conference room to allow public participation in the meeting.

Contact Person: Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12388. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss the intramural scientific programs of the Laboratory of Method Development.

Procedure: On August 7, 1997, from 12:30 p.m. to 1:15 p.m., and from 2:15 p.m. to 3:15 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 31, 1997. Oral presentations from the public will be scheduled between approximately 2:15 p.m. and 3:15 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 31, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed committee deliberations: On August 7, 1997, from 1:15 p.m. to 2:15 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The meeting will be closed to discuss personal information concerning individuals associated with the research program.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 26, 1997.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 97–17516 Filed 7-3-97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), **Federal Register**, Vol. 62, No. 85, pp. 24120–24126, dated Friday, May 2, 1997) is amended to reflect a change to the organization structure that includes the Chief of Operations and changes to the administrative codes for the Offices of Internal Customer Support, Information Services, and Financial Management.

The specific amendments to Part F are described below:

- Section F.10.A.5. (Organization) is amended to read as follows:

1. Press Office (FAE)
2. Office of Legislation (FAF)
3. Office of Equal Opportunity and Civil Rights (FAJ)
4. Office of Strategic Planning (FAK)
5. Office of Communications and Operations Support (FAL)
6. Office of Clinical Standards and Quality (FAM)
7. Center for Beneficiary Services (FAQ)
8. Center for Health Plans and Providers (FAR)
9. Center for Medicaid and State Operations (FAS)
10. Consortium # 1 (FAU)
11. Consortium # 2 (FAV)

12. Consortium # 3 (FAW)
13. Consortium # 4 (FAX)
14. Chief of Operations (FB)
15. Office of Internal Customer Support (FBA)
16. Office of Information Services (FBB)
17. Office of Financial Management (FBC)

Dated: June 25, 1997.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 97–17578 Filed 7–3–97; 8:45 am]

BILLING CODE 4120–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: A Study To Review Activities Conducted To Assess Client Satisfaction With HIV/AIDS-related Clinical and Support Services—

New—A mail survey will be conducted of two groups: grantees that are currently funded under the Ryan White CARE Act (RWCA); and a purposive sample of 50 organizations that provide services to people with HIV/AIDS but are not currently funded under the RWCA. This second group of participants will be selected from the National Association of People With AIDS database.

The survey will collect information about the evaluation/tracking activities that were implemented from 1991 to 1996 to assess consumer/client satisfaction with services. The purpose of this study is to find out what types of evaluation/tracking activities have been implemented, and to identify gaps within these activities. The study will also identify ''model'' evaluation/tracking activities that have assessed consumer/client satisfaction and implemented findings to improve HIV/AIDS-related services, and consequently, have improved consumer/client satisfaction.

The study's final report will include a description of evaluation/tracking activities among organizations that provide services to people with HIV/AIDS and in-depth case studies of three model evaluations/tracking activities that can be easily replicated and used by other projects. The report will be disseminated to program-level and project-level officers as a guide on how to develop and implement effective evaluation/tracking activities on consumer/client satisfaction.

Estimates of respondent burden for the survey are as follows:

Type of respondent	Number of respondents	Responses per respondent	Average burden per response (in hours)	Total burden hours
Respondents who *have* assessed client satisfaction	463	1	1 hour	463
Respondents who *have not* assessed client satisfaction	87	1	.17	15
Total	550	1	.87	478

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Virginia Huth, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 27, 1997.

James J. Corrigan,

Acting Associate Administrator for Management and Program Support.

[FR Doc. 97–17513 Filed 7–3–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB review; Comment Request; Pretesting of Office of Cancer Communications Messages

SUMMARY: 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 National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval. This proposed information collection was previously published in **Federal Register** on April 4, 1997, page 16168 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: Pretesting of Office of Cancer Communications Messages,

Type of Information Collection Request: EXTENSION (OMB# 0925–0046, expires 8/31/97).

Need and Use of Information Collection: In order to carry out NCI's legislative mandate to educate and disseminate information about cancer prevention, detection diagnosis, and treatment to a wide variety of audiences and organizations (e.g., cancer patients, their families, the general public, health providers, the media, voluntary groups, scientific and medical organizations), the Office of Cancer Communications (OCC) needs to pretest its communications strategies, concepts, and messages while they are under development. The primary purpose of this pretesting, or formative evaluation, is to ensure that the messages, communication materials, and information services created by OCC have the greatest capacity of being received, understood, and accepted by their target audiences. By utilizing appropriate qualitative and quantitative methodologies, OCC is able to (1) understand characteristics of the

intended target audience—their attitudes, beliefs, and behaviors—and use this information in the development of effective communication tools; (2) produce or refine messages that have the greatest potential to influence target audience attitudes and behavior in a positive manner; and (3) expend limited program resource dollars wisely and effectively. *Frequency of Response:* On occasion. *Affected public:* Individuals or households; Businesses or other for profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government. *Type of Respondents:* Adult cancer patients; members of the public; health care professionals; organizational representatives. The annual reporting burden is as follows: *Estimated Number of Respondents:* 13,780; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* .1458; and *Estimated Total Annual Burden Hours Requested:* 2,010. There are not Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ellen Eisner, Communications Research Manager, Health Promotion Branch, OCC, NCI, NIH, Building 31, Room 10A03, 9000 Rockville Pike, Bethesda, MD 20892, or call non-toll-free number (301) 496–6667 or E-mail your request, including your address to EisnerE@occ.nci.nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before August 6, 1997.

Dated: June 30, 1997.

Nancie L. Bliss,

Project Clearance Liaison, NCI.

[FR Doc. 97–17621 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health

Notice of Meeting—''Beyond Hunt Valley: Research on Women's Health for the 21st Century''

Notice is hereby given that the Office of Research on Women's Health, Office of the Director, National Institutes of Health, will convene a meeting on July 21, 22, and 23, 1997, at the Hilton Hotel, Santa Fe, New Mexico. The purpose of the meeting is to update the current biomedical and behavioral research agenda for women's health, as presented in the Report of the National Institutes of Health: Opportunities for Research on Women's Health, a publication based on a conference held in Hunt Valley, Maryland, September 1991.

The NIH/FAES is accredited by the Accreditation Council for Continuing Medical Education to sponsor continuing medical educations for physicians.

The NIH/FAES designates this educational activity for a maximum of 10 hours in category 1 credit towards the AMA Physician's Recognition Award. Each physician should claim only those hours of credit that he/she actually spent in the educational activity.

The first day, July 21, will be devoted to receiving public testimony from 1:00 p.m. to 5:00 from individuals and individuals representing organizations interested in biomedical and behavioral research on women's health issues. On July 22 and 23, concurrent working groups will discuss women's health research, with a particular focus on differences among populations of women and factors that contribute to the differences in health status and health outcomes, and career issues for special populations of women scientists. The schedule for July 22 is 8:00 a.m. to 6:15 p.m. and on July 23 the meeting will end at approximately 2:00 p.m. All sessions of the meeting are open to the public.

The purpose of this conference is to examine the differences among populations of women and factors that contribute to the differences in health status and health outcomes, and career issues for special populations of women scientists. In addition, strategies based upon the research which can result in an improved health status for all women will be developed.

Experts in fields of basic and clinical science, practitioners interested in women's health, representatives of scientific, professional and women's health organizations, and women's health advocates will be asked to assess the current status of research in women's health, identify gaps in existing knowledge, and recommend scientific approaches and strategies to take advantage of promising opportunities for research on women's health.

Opening sessions will include a presentation on health differences among the different populations of women and the implications for research, a panel regarding the definitions of race, culture, and ethnicity, and a panel regarding the impact of traditional and cultural health practices among various racial and ethnic subpopulations.

The Office of Research on Women's Health invites individuals and individuals representing organizations with an interest in research areas related to women's health to provide written and oral testimony on continuing or emerging gaps in knowledge about women's health across the life span; population differences: race, culture, ethnicity and other factors and their influence on women's health; women with special health concerns: recommendations for future research; and career issues for women scientists and how to overcome barriers. Due to time constraints, only one representative from each organization may present oral testimony, with presentations limited to 10 minutes. A letter of intent to present such testimony should be sent by interested individuals and organizations to Ms. Maxine Smith, Houston Associates, 1010 Wayne Avenue, Suite 1200, Silver Spring, MD 20910. Presenters should send three (3) written copies of their testimony, including a brief description of their organization, to the above address no later than June 30, 1997. The date of receipt of the letter will establish the order of presentations at the July meeting.

Individuals and organizations wishing to provide written statements only may send three (3) copies of their statements to the above address by June 30, 1997. All written testimony will be made available to the conferees prior to the July 21 meeting day. Comments and questions related to the July meeting should be addressed to Ms. Smith.

This meeting is the third of three regional public hearings and scientific workshops of similar design to be convened by the Office of Research on Women's Health. At the conclusion of this series of meetings, the Office of Research on Women's Health will convene a national meeting to address the deliberations and recommendations from the regional public hearings and scientific workshops for the purpose of developing a report for priorities for research on women's health for the 21st century.

Dated: June 26, 1997.

Ruth L. Kirschstein,

Deputy Director, NIH.

[FR Doc. 97–17616 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Initial Review Group:

Agenda/purpose: To review and evaluate grant applications.

Committee Name: Subcommittee Clinical Research Studies.

Date: July 28–29, 1997.

Time: July 28—8:00 a.m. to 5:00 p.m.; July 29—8:00 a.m. to 5:00 p.m.

Place: DoubleTree Hotel—Rockville, 1750 Rockville Pike, Rockville, Maryland 20852.

Contact Person: Martin H. Goldrosen, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, 6130 Executive Blvd., Room 635C, Bethesda, Md 20892; Telephone: 301–496–7930.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS: 93.393, Cancer Cause and Prevention Research, 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: June 30, 1997.

LaVerne Y. Springfield,

Committee Management Officer, NIH.

[FR Doc. 97–17618 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Cancer Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Clinical Oncology Research Career Development Program.

Date: July 27–28, 1997.

Time: July 27—6:30 p.m. to Adjournment; July 28—8:00 a.m. to Adjournment.

Place: The St. James Hotel, 950 24th Street, N.W., Washington, D.C. 20037.

Contact Person: Mary Bell, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, Executive Plaza North, Room 611A, 6130 Executive Boulevard, MSC 7410, Bethesda, MD 20892–7410; Telephone: 301/496–7978.

Purpose/Agenda: To evaluate and review grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: June 30, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–17619 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

Purpose/Agenda: To review and evaluate grant applications.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Dates of Meeting: July 27–29, 1997.

Time: July 27, 7:00 p.m. to 9:00 p.m.; July 28, 8:30 a.m. to recess; July 29, 8:30 to adjournment.

Place of Meeting: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Jules R. Selden, V.M.D., Ph.D., 600 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–2678.

Purpose/Agenda: To review and evaluate grant applications.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Dates of Meeting: August 4–6, 1997.

Time: August 4, 7:00 p.m. to 9:00 p.m.; August 5, 8:30 a.m. to recess; August 6, 8:30 a.m. to adjournment.

Place of Meeting: Radisson Barcelo Express Hotel, 2121 P Street NW., Washington, DC 20037.

Contact Person: Jules R. Selden, V.M.D., Ph.D., 600 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–2678.

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. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; National Institutes of Health)

Dated: June 26, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–17617 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meetings:

Name of SEP: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel.

Date: July 28, 1997.

Time: 8:30 AM.

Place: Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia 22202.

Contact Person: Ned Feder, M.D., Scientific Review Administrator, Review Branch, NIDDK, Natcher Building, Room 6as–25S, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: (301) 594–8890.

Purpose/Agenda: To review and evaluate grant applications.

Name of SEP: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel.

Date: July 31, 1997 to August 2, 1997.

Time: 7:30 PM.

Place: University Inn, 4140 Roosevelt Way, NE., Seattle, Washington 98105.

Contact Person: Ned Feder, M.D., Scientific Review Administrator, Review Branch, NIDDK, Natcher Building, Room 6as–25S, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: (301) 594–8890.

Purpose/Agenda: To review and evaluate grant applications.

These 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. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: June 30, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–17620 Filed 7–3–97; 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: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: July 23, 1997.

Time: 11:00 a.m.–1:00 p.m.

Place: 6120 Executive Blvd., Bethesda, MD 20814 (telephone conference call).

Contact Person: Melissa Stick, Ph.D., M.P.H., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate grant applications. The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which could 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 30, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–17622 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: Material and Child Health RO3 Grant Review (TELECONFERENCE).

Date: July 9, 1997.

Time: 12:30 p.m. (EST)—adjournment.

Place: 6100 Executive Boulevard, 6100 Building—Room 5E01, Rockville, Maryland 20852.

Contact person: Gopal Bhatnagar, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, 6100 Building, Room 5E01, Rockville, Maryland 20852; Telephone: 301–496–1485.

Purpose: To evaluate and review grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children, National Institutes of Health)

Dated: June 30, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–17623 Filed 7–3–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4255–N–01]

Notice of Sale of HUD-Held Multifamily Mortgage Loans

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of Sale of Health Care Mortgage Notes.

SUMMARY: This notice announces the Department's intention to sell approximately 32 health care related unsubsidized mortgage loans (Mortgage Loans), without Federal Housing Administration (FHA) insurance. The loans are located throughout the United States and have an aggregate unpaid principal balance exceeding $123 million. The majority of the mortgages are classified as subperforming or nonperforming. There are no subsidized mortgages in this sale. The Mortgage Loans will be offered for sale on a whole loan basis, in a competitive sealed bid auction (the ''Sale''). FHA will assign its interest in each mortgage loan to the successful bidder unless the successful bidder is the mortgagor and requests FHA to release the mortgage loan rather than assign its interest. This notice describes the bidding process for these Mortgage Loans. The Mortgage Loans will be offered for sale only to qualified bidders.

DATES: Bidders' Information Packages (''BIP'') have been available to qualified bidders since May 29, 1997. Bidding is expected to take place on July 8–9, 1997, and closing is expected to take place from July 21, 1997 to August 29, 1997.

ADDRESSES AND CONTACTS: Bidders' Information Packages have been available from FHA's Financial Advisor, Cushman & Wakefield on or about May 29, 1997. Bidders' Information Packages and information about individual Mortgage Loans (Bid Materials) will be made available only to parties who complete a Confidentiality Agreement, Bidder Qualification Statement, BIP Order Form, and are deemed qualified bidders. To obtain a Bidders' Information Package, contact John G. Howley at Cushman & Wakefield, 1875 Eye Street, NW, Suite 700, Washington, DC 20006, Telephone Number 202–467–0600/Fax Number, 202–293–9049. Bidders' Information Packages will be forwarded by regular mail to bidders determined to be qualified unless a party makes special arrangements to receive the information through one day delivery by specifying such on the BIP Order Form.

Asset Review Files for all the Mortgage Loans have been available for review by qualified bidders since June 2, 1997 at the due diligence facility with HUD's due diligence contractor, Gardiner, Kamya & Associates. The facility is located at 1500 K Street NW., Suite 225, Washington, DC 20005. The facility will close on or about July 7, 1997. The facility will be open to qualified bidders between the hours of 9:00 a.m. and 6:00 p.m., EDT, Monday through Friday. Access to the facility can be arranged by contacting Wayne Thornton, at Gardiner, Kamya & Associates, at (202) 783–2383. Asset review files may also be ordered from Gardiner, Kamya & Associates and sent to qualified bidders in the manner described in the Bidders' Information Package. No effort has been made to verify the accuracy or completeness of any information or items that might be found in such documents. HUD, FHA, its employees, its financial advisor and subcontractors make no representation or warranties as to the accuracy or completeness of such information. Bidders are strongly advised to conduct their own due diligence.

FOR FURTHER INFORMATION CONTACT: James Mitchell, Acting Director, Special Projects Division, Office of Multifamily Asset Management and Disposition, Room 6160, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–3730 Ext. 2691. Hearing or speech-impaired individuals may call (202) 708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Status of Mortgage Loans

FHA is selling approximately 32 health care related mortgage loans with an aggregate unpaid principal balance (UPB) exceeding $123 million. The Mortgage Loans encumber properties located in 17 states throughout the United States, which include: Alabama, Arizona, California, Illinois, Indiana, Massachusetts, Maryland, Michigan, North Carolina, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas and Wisconsin. A listing of the specific properties involved in the Sale will be included in the Bidders' Information Package.

The majority of the Mortgage Loans are classified as subperforming or nonperforming because they had been delinquent at least once within the 12 months preceding May 1, 1997. Certain Mortgage Loans are subject to provisional workout agreements. The collateral securing these loans is composed of nursing homes facilities, congregate care retirement facilities and a rehabilitation and specialty care facility.

The Bidding Process

General

The Department will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans. The bidding will be done through a sealed bid auction process. Bidders will be afforded the opportunity to bid on one or all of the Mortgage Loans as well as on any combination of Mortgage Loans, i.e., bidders may create their own pools by combining 2 or more Mortgage Loans and submit bids on such basis. Each bidder shall be permitted to submit multiple bids. However, bidders may bid on no more than 20 pools of Mortgage Loans. In addition, a bidder will be permitted to establish a floor for the minimum aggregate Unpaid Principal Balance of individual mortgages that it is willing to purchase and/or to establish a ceiling by limiting the multiple bids which may be accepted by HUD to a specific aggregate dollar amount. Except as set forth in the Loan Sale Agreement, the successful bidders will be notified within three business days after the Bid Date (Award Date). The winning bids will be determined through the use of an optimization model, created by Lucent Technologies, which evaluates conforming bids and selects those bids which maximize the gross loan sales proceeds to FHA. FHA reserves the right to accept or reject any or all bids, or withdraw any or all assets from the offering at its sole and absolute discretion.

Bidders' Information Package

The Bidders' Information Package describes in detail the procedures for participating in the Sale and includes bid forms, a Loan Sale Agreement, and certain information concerning each of the Mortgage Loans, such as the unpaid principal balance and interest rate. Also included in the Bidders' Information Package is a computer diskette with general portfolio information and selected data fields related to each Mortgage Loan.

The Department will distribute the Bidders' Information Packages for a period of approximately 6 weeks prior to the date that bids are due (Bid Date). The Bidders' Information Packages have been available since May 29, 1997. The Bidders' Information Package may be supplemented from time to time prior to the Bid Date. Interested parties may request a Bidders' Information Package as described above.

Bid Dates

We expect the bidding to take place on July 8–9, 1997.

Deposits

Bidders must include a 5 percent Initial Deposit, to be submitted in accordance with instructions in the Bidders Information Package. If a bidder submits multiple bids, the Initial Deposit will be limited to 5 percent of the bidder's single largest bid amount. An additional deposit (Final Deposit) will be required from each successful bidder within 2 business days after the Award Date. The Final Deposit when added to the Initial Deposit must total 10 percent of the bidder's successful bids. More specifically, if a bidder submits multiple individual bids, the Final Deposit when added to the Initial Deposit must total 10 percent of the aggregate unpaid principal of all of the bidder's successful bids. Similarly, if a bidder submits a pool bid or multiple pool bids, the Final Deposit must total 10 percent of the aggregate unpaid principal of all of the bidder's successful pool bids.

Timeliness and Conformity of Bids and Deposits

Each bidder assumes all risks of loss relating to its own bidding mistakes and its failure to deliver, or cause to be delivered, on a timely basis and in the manner specified by the department,

each bid form, deposit and loan sale agreement required to be submitted by the bidder.

Ties for High Bidder

In the event there is a tie for a high bid, the Department, through its Financial Advisor, will contact the parties with the tie bid and afford each of them an opportunity to offer a best and final bid. The successful bidder will be the one with the highest bid. If a tie continues after the best and final offers are submitted or the bidders do not respond, or do not respond within the time period established by the Department, the successful bidder will be determined by lottery. Notwithstanding the above, the Department reserves the right to withdraw any Mortgage Loan(s) subject to a tie bid.

Closing

The Department will assign its interest in a Mortgage Loan to a successful bidder at the closing, which is expected to occur no later than August 29, 1997. If the successful bidder fails to abide by the terms of the Loan Sale Agreement, including paying the Department any remaining sums due pursuant to the Loan Sale Agreement and closing on an agreed upon date within the time period provided by the Loan Sale Agreement, the Department shall retain as liquidated damages the Initial and Final Deposit (plus accrued interest) from the successful bidder.

Note. These are expected to be the essential terms of the Sale, but are subject to change. Information regarding any such changes along with any other supplements to the Bidders' Information Package will be made available to parties who request and obtain a Bidders' Information Package. The Loan Sale Agreement, which is included in the Bidders' Information Package, provides additional details. To ensure a competitive bidding process, the terms of sale are not subject to negotiation.

Qualification of Bidders/Ineligible Bidders

Qualified bidders, who are interested parties who have such knowledge and experience in financial and business matters so as to be capable of evaluating the merits and risks of acquiring the Mortgage Loans, and who are not otherwise ineligible to bid (as described below), may bid on the Mortgage Loans.

The following individuals and entities (either alone or in combination with others) are ineligible to bid on any one or combination of the Mortgage Loans included in the Sale:

(1) Any individual or entity debarred from doing business with the Department pursuant to Title 24 of the Code of Federal Regulations, part 24;

(2) Any employee of the Department, any member of any such employee's household, and any entity controlled by any such employee or member of such an employee's household;

(3) Any individual or entity that employs or uses the services of an employee of the Department (other than in such employee's official capacity) either: (a) who is involved in the Sale, or (b) to assist in the preparation of a bid for the Mortgage Loans;

(4) Any contractor, subcontractor, advisor or consultant (including any agent of the foregoing) who performed services for or on behalf of the Department in connection with the Sale, or any affiliate of any such contractor, subcontractor, advisor, consultant or agent;

(5) Any individual that was a principal or employee of any entity or individual described in paragraph (4) above at any time during which the entity or individual performed services for or on behalf of the Department in connection with the Sale;

(6) Any individual or entity that uses the services of any person described in paragraph (5) above in preparing its bid on any Mortgage Loan(s).

Furthermore, any entity or individual that served as a loan servicer or performed other services for or on behalf of the Department at any time during the 2-year period prior to May 31, 1997 with respect to any Mortgage Loan included in the Sale is ineligible to bid on such Mortgage Loan. The following also are ineligible to bid on such Mortgage Loan: (a) any affiliate or principal of such entity or individual described in the sentence above, (b) any employee or subcontractor of such entity or individual during that 2-year period, or (c) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such Mortgage Loan.

Due Diligence Facility

During the 5-week period prior to the Bid Date, the due diligence facility will be open to prospective qualified bidders, at which the Department will provide information such as environmental and title reports and market data. The address of the facility is specified above. The Department reserves the right to charge a reasonable fee to recover its costs in duplicating and forwarding any information requested by an interested party, as well as an access fee to the due diligence facility, which will be credited to the purchase of any Asset Review Files.

Application of Replacement Reserve and Certain Escrows

If a Mortgage Loan is delinquent at the time of the Sale, to the extent the Department determines it is permissible, the Department will apply funds in the replacement reserve and miscellaneous escrow accounts to the amount due to the Department under the Mortgage Loan. Any remaining balances in the replacement reserve and any escrow accounts will be transferred to the new mortgagee. If a Mortgage Loan is current at the time of closing, the funds in the replacement reserve account will be returned to the mortgagor in accordance with such terms and conditions as may be established by the Department.

FHA Reservation of Rights

The Department reserves the right to withdraw Mortgage Loans from the Sale and to terminate the Sale at any time, for any reason, and without liability, prior to the Award Date, without prejudice to its right to include any withdrawn Mortgage Loan in a future sale.

The Department also reserves the right to reject any and all bids, in its sole discretion, for any reason, and without liability.

The Department reserves the right to include in the Sale additional Mortgage Loans.

Mortgage Loan Sale Policy

Almost all of the Mortgage Loans are nonperforming or subperforming. All of the Mortgage Loans are unsubsidized, and there is no project-based Section 8 assistance on any of the projects. Therefore, the Department has determined, pursuant to regulations governing FHA mortgage loan sales, published at 24 CFR Part 290, Subpart B (Mortgage Sale Regulations), that the Mortgage Loans will be sold without FHA insurance. The Mortgage Sale Regulations provide for the exclusion of delinquent unsubsidized mortgages from sales where it appears that (1) foreclosure appears unavoidable, and (2) the project is occupied by very low-income tenants who are not receiving housing assistance and would be likely to pay rent in excess of 30 percent of their adjusted monthly income if the mortgage were to be sold and foreclosed (24 CFR 290.35(b)). The Department's interpretation of this provision is set forth in the preamble to the February 6, 1996 interim rule (61 FR 4580–81). The Department has made an administrative determination that the Mortgage Loans do not meet the criteria for exclusion. If the Department determines that any Mortgage Loans meet such criteria, they will be removed from this Sale.

The Department selected a competitive auction as the method to sell the Mortgage Loans in accordance with the requirements of the Mortgage Sale Regulations (*e.g.,* 24 CFR 290.30). This method of sale optimizes the Department's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the quickest and most efficient vehicle for the Department to dispose of the Mortgage Loans.

Freedom of Information Requests

The Department has approved a policy for responding to Freedom of Information Act requests for information on the Department's multifamily mortgage loan sales. The purpose of this policy is to clarify for the public and potential purchasers the types of sales information that will be disclosed in connection with the Department's multifamily mortgage sales program. The policy strikes a balance between the Department's policy of disclosing as much information as possible to the public and its interest in minimizing the harm premature release of this information will have upon bidders, and the harm that release of sensitive and confidential financial information would have on the effectiveness of HUD's loan sale programs, and thus, on the American taxpayer.

Given the foregoing, the Department's policy with respect to Freedom of Information Act requests is summarized as follows:

(i) The Department has determined that after the Award Date it will disclose the aggregate number of bidders and the aggregate proceeds the Department expects from the Sale, as well as the bid information materials that the Department provided to the bidders (provided they are not subject to a privacy or confidentiality exemption).

(ii) After all sales are closed the Department will release: (a) a list of all who received bid materials, (b) a list of all bidders, (c) a list of all winning bidders, and (d) the aggregate amount paid for each successful bid on multiple mortgage loans (whether bid as a pool or otherwise).

(iii) No earlier than one year after all of the sales are closed, the Department will disclose individual winning mortgage loan bid prices.

Scope of Notice

This notice applies to the Sale of Health Care Mortgage Notes, and does not establish the Department's policy for the sale of any other mortgage loans.

Dated: July 1, 1997.

Stephanie A. Smith,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner,

[FR Doc. 97–17673 Filed 7–1–97; 4:29 pm]

BILLING CODE 4210–27–P

INTER-AMERICAN FOUNDATION

Sunshine Act Meeting; Inter-American Foundation Board Meeting

TIME AND DATE: July 17, 1997; 11:30 a.m.–3:30 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

STATUS: Open Session.

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the October 28, 1996, Meeting of the Board of Directors
2. President's Report
3. Audit Committee Report
4. Report on the Foundation's Strategic Plan
5. Report on the Grassroots Development Framework.

CONTACT PERSON FOR MORE INFORMATION: Adolfo A. Franco, Secretary to the Board of Directors, (703) 841–3894.

Dated: July 2, 1997.

Adolfo A. Franco,

Sunshine Act Officer.

[FR Doc. 97–17689 Filed 7–1–97; 4:58 pm]

BILLING CODE 7025–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–330–1220–00]

Notice of Intent (NOI) to do an Environmental Assessment and Proposed King Range Plan Amendment for the King Range National Conservation Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: This notice advises the public that the Bureau of Land Management (BLM) intends to write an Environmental Assessment which proposes to amend the existing King Range Management Program. The plan amendment will address the closure of 3.5 miles of the King Range beach from Telegraph Creek (Sec. 4, T.5S., R.1E.) to Gitchell Creek (Sec. 29, T.4S., R.1E.) to Off-Highway-Vehicle (OHV) use. The purpose of the closure is to protect natural and cultural resource values and prevent conflicts between vehicular and non-vehicular recreation uses. Presently, the entire coastline from the Mouth of the Mattole River to Black Sands Beach is managed as an unroaded area, with the exception of private land inholder access at Spanish Flat and the Black Sands Beach vehicle corridor. It is BLM's intent that the entire west slope of the King Range be managed for non-motorized, primitive recreation activities.

COMMENT PERIOD: The BLM is requesting comments concerning this Notice of Intent. The comment period will be open until August 21, 1997. Public comments must be in writing and mailed to the below address.

SUPPLEMENTARY INFORMATION: The Environmental Assessment is being prepared in accordance with the requirements set forth in the Code of Federal Regulations (43 CFR 1610.5–5) to amend the King Range Management Program.

The Environmental Assessment will focus on the issues and concerns associated with OHV use within the beach corridor and the efforts of BLM to provide opportunities for both motorized and non-motorized user groups.

From the beginning of the King Range National Conservation Area (KRNCA) planning process in the early 1970s, conflicts occurred regarding off-highway vehicle (OHV) use of the beach corridor. During the initial scoping process, hikers and some conservation groups strongly favored closure to vehicle travel of the entire beach while OHV groups felt closures were unwarranted and discriminatory. The BLM's response in the 1974 management program was to zone the beach into mechanical and non-mechanical use areas.

Based on the above 1974 planning guidance, the 1988 Final EIS for Wilderness Recommendations for the King Range Wilderness Study Area, and the 1992 KRNCA Visitor Services Plan, BLM OHV management efforts in the Black Sands Beach to Gitchell Creek beach corridor have continually focused on trying to provide opportunities for both motorized and non-motorized use groups. However, efforts to minimize conflicts by providing public information, and zoning use areas for motorized & non-motorized activities have only met with limited success. Actions have also met with limited success in reducing illegal OHV access beyond Gitchell Creek into the closed area because of the difficulties of monitoring and enforcing a closure in a backcountry location lacking natural barriers to vehicle access. Non-motorized recreation use has also

increased over the past several years within this portion of the KRNCA.

It is BLM's intent to manage the west slope of the KRNCA, from the Mouth of the Mattole River to Black Sands Beach, as one of California's last primitive unroaded areas, with the absence of motorized vehicles.

FOR MORE INFORMATION CONTACT: Lynda J. Roush, Arcata Resource Area Manager, 1695 Heindon Road, Arcata, CA 95521, phone (707) 825–2300.

Lynda J. Roush,

Arcata Area Manager.

[FR Doc. 97–15805 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–069–1220–00]

Intent To Conduct Public Scoping Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) Needles Resource Area office is conducting a cooperative planning effort focused on Off-Highway Vehicle (OHV) and recreation use in the southeastern portion of Chemehuevi Valley in California. An activity level management plan will be developed to address the management options. Public scoping is initiated with publication of this notice and will continue until August 10, 1997. Public scoping workshops will be held to identify issues and concerns involving OHV use, other recreation activities, cultural resources and encourage and facilitate public participation in the planning process.

DATES: The public scoping workshops are scheduled as follows:

July 11, 1997, 7 p.m. at Needles Council Chambers, 1111 Bailey Ave., Needles, CA.

July 12, 1997, 10 a.m. at Friendship Hall, 148808 Havasu Lake Rd., Havasu Lake, CA.

ADDRESSES: Send your comments to the Bureau of Land Management, Needles Resource Area, Attn: Lesly Smith, 101 W. Spikes Rd., Needles, CA 92363.

FOR FURTHER INFORMATION CONTACT: Lesly Smith at (760) 326–7031.

SUPPLEMENTARY INFORMATION: The planning effort is a component of the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan). The Activity Level Plan will set the standard for managing Off-Highway Vehicle (OHV) use within the planning area.

The planning effort will focus on OHV use in the southeastern Chemehuevi Valley, California. The 88,000± acre planning area will include public, state, private, and tribal lands. The northern boundary is defined by the Metropolitan Water District of Southern California powerline road and the Chemehuevi Mountains Wilderness boundary. The western boundary is defined by U.S. Highway 95. The southern boundary is defined by an unmaintained dirt road (East Mojave Heritage Trail) and the Whipple Mountain Wilderness boundary. The eastern boundary is the Colorado River and the Chemehuevi Indian Reservation. The planning area lies within San Bernardino County.

George R. Meckfessel,

Acting Area Manager.

[FR Doc. 97–17611 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–350–1020–00]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Susanville Resource Advisory Council, Susanville, California.

ACTION: Notice of Meeting.

SUMMARY: The U. S. Bureau of Land Management's Susanville Resource Advisory Council will meet Monday, August 4, 1997, at the BLM's Alturas Resource Area Office, 708 West 12th Street, Alturas, CA.

SUPPLEMENTARY INFORMATION: The meeting begins at 9 a.m. in the conference room of the BLM office. Members will depart for a brief rangelands field tour, then return to the office to review and comment on the BLM-California's Draft Environmental Impact Statement on Standards for Healthy Rangelands and Guidelines for Livestock Grazing. The council will also discuss a proposal to designate a Black Rock/High Rock National Conservation Area in parts of the Black Rock Desert and High Rock Canyon in northwestern Nevada. The meeting is open to the public, and public comments will be taken at 1 p.m. Depending on the number of persons wishing to speak, a time limit may be established.

FOR FURTHER INFORMATION: Contact Jeff Fontana, public affairs officer, (916) 257–5381.

Linda D. Hansen,

Area Manager.

[FR Doc. 97–17563 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–97–1220–00]

Exceptions to the BLM Nevada Statewide Occupancy Stay Limitations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Carson City District, site specific exceptions to the BLM Nevada, Statewide Occupancy Stay Limitations.

SUMMARY: BLM Nevada Statewide Occupancy Stay Limitations published as FR Doc. 93–24399 apply with the following site specific rules and exceptions:

Camping or campfires are not permitted at:

Mt. Diablo Meridian, Nevada

Hangman's Bridge Launch Area, East Fork of the Carson River

T. 10 N., R. 20 E.,
Sec. 27: NW¼ NE¼.

Grimes Point/Hidden Cave, Archaeological Area

T. 18 N., R. 30 E.,
Sec. 15: W½NE¼, E½NW¼,
Sec. 20: S SW¼, SE¼,
Sec. 21: SW¼NE¼, S½NW¼, S½,
Sec. 29: N½.

Steamboat ACEC

T. 18 N., R. 20 E.,
Sec. 28: SW¼SW¼.
Sec. 33: NE¼NW¼,

Cold Springs Historic Site

T. 18 N., R. 37 E.,
Sec. 30: NE¼SE¼, SW¼SE¼, W½SE¼SE¼,
Sec. 33: S½NW¼, SW¼NE¼NW¼, SE¼NW¼NW¼.

Carson River, Carson City Urban Area

T. 15N., R. 20E.,
Sec. 11: SE¼.
Sec. 14: E½.

Prison Hill Recreation Area

T.14N., R. 20E.,
Sec. 2: W½ Lot 2 of NW¼,
Sec. 3: Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, N½SW¼, NW¼SE¼,
Sec. 4: E½ Lot 1 of NE¼, E½ Lot 2 of NE¼, NE¼SE¼,
T. 15N., R. 20E.,
Sec. 21: SE¼NE¼, E½SE¼,
Sec. 22: SW¼NW¼, W½SW¼, SE¼SW¼,

Sec. 27: W½, W½SE¼, SE¼SE¼,
Sec. 28: Lots 27, 28, 32–37, 41–43,
E½NE¼, SW¼NE¼, NE¼SW¼,
N½SE¼, NE¼SW¼SE¼, SE¼,SE¼,
Sec. 33: E½E½,
Sec. 34: All
Sec. 35: W½W½.

Lands Within Carson City

T. 15 N., R. 20 E., (MDM),
Sec. 1,11,12,13: W½,
Sec. 14: Sec. 24: W½,
Sec. 23,
Sec. 25: W½,
Sec. 26,
Sec. 35.
Sec. 36: W½,
T. 14N., R. 20E.,
Sec. 1,2,5–12.

And lands acquired by BLM within the Carson City urban interface joint land use planning area.

Sand Springs Desert Study Area

T. 17N., R. 32E.,
Sec. 32, 33.
T. 16N., R. 32E.,

Portions of Sec. 4 and 5 located within the Sand Mountain Recreation Area.

National Wild Horse and Burro Center at Palomino Valley

T. 22N.,R. 21E.,
Sec. 7.

EFFECTIVE DATES: These exceptions to the statewide occupancy limitations rule will take effect thirty (30) days following publication (August 6, 1997); interested parties may submit comments to the Carson City District Manager, John O. Singlaub.

FOR FURTHER INFORMATION CONTACT: Tom Abbett, Bureau of Land Management, Carson City District Office, 1535 Hot Springs Rd., Carson City, NV, 89706.

SUPPLEMENTARY INFORMATION: These camping limits are established to allow the general public access to day use facilities and activities; to protect sensitive natural and cultural resources; and to reduce conflicts with adjacent residential uses in the Carson City urban area. This ruling supersedes FR Doc. 86–26718.

Authority: Authority for this public land occupancy limitation rule is contained in CFR title 43, chapter II, part 8360, subparts 8364.1, 8365, 8365.1–2, 8365.1–6, and 8365.2–3.

Penalty: Any person failing to comply with the closure order or activity restrictions may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 USC 3571, or both.

Dated: June 20, 1997.

John O. Singlaub,

District Manager,

Carson City District Office.

[FR Doc. 97–17642 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–094–6332–00: GP7–0220]

Establishment of Supplementary Rules; Lane County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of establishment of supplementary rules.

SUMMARY: The Eugene District, Bureau of Land Management, hereby establishes supplementary rules for use of those public lands included in the Lower Lake Creek Special Recreation Management Area (LLCSRMA) in the Coast Range Resource Area, Eugene District, Lane County, Oregon. These supplementary rules are intended to protect public facilities and provide for public safety within the LLCSRMA, which is located south of Triangle Lake, Oregon, within Sections 19, 20, 27–30, and 32–34 of Township 16 South, Range 7 West of the Willamette Meridian. These rules are designed to reduce the potential for damage to the environment of the LLCSRMA and to enhance the safety of visitors and neighboring residents. A ''Notice of proposed establishment of supplementary rules'' was published in the **Federal Register** on May 8, 1997 (62 FR 25204) and provided for a thirty day comment period that ended June 9, 1997. No comments were received.

ADDRESSES: Comments should be sent to Norman Gartley, Acting Coast Range Area Manager, Eugene District Office, P.O. Box 10226, Eugene, Oregon 97440–2226.

FOR FURTHER INFORMATION CONTACT: Saundra Miles, (541) 683–6600.

SUPPLEMENTARY INFORMATION: Authority for the establishment of these supplemental rules is contained in 43 CFR 8365.1–6. A map showing the location of the lands subject to the supplementary rules is available in the Eugene District Office. These supplementary rules are subject to review and will be revised, if appropriate, to further the goals of providing for public safety and protecting natural resources.

DATES: These supplementary rules will become effective upon publication in the **Federal Register**.

For the reasons set forth in the preamble, the Eugene District, Bureau of Land Management, establishes supplementary rules for the LLCSRMA as follows:

1. Operating a motorized vehicle in violation of Oregon State laws and regulations relating to use, registration, operation and parking is prohibited.

2. Consumption, possession, or furnishing of any alcoholic beverage in violation of Oregon State law is prohibited.

3. Possession of glass beverage containers is prohibited.

4. Overnight camping is prohibited without the written permission of the authorized officer.

5. Use and/or occupancy (including leaving personal property unattended) between the hours of 10 PM to 4 AM is prohibited without the written permission of the authorized officer.

6. Campfires or other open flame fires are prohibited without the written permission of the authorized officer.

7. No person shall, unless otherwise authorized, bring any animal into the Lower Lake Creek SRMA unless such animal is on a leash not longer than 6 feet and secured to a fixed object or under control of a person, or is otherwise physically restricted at all times.

8. Bicycle and equestrian travel are prohibited on Blachly-Lane Flume, Powerhouse, and Fish Creek hiking trails.

9. Smoking may be prohibited by the authorized officer when necessary to protect natural resources.

10. Use and/or discharge of weapons, including firearms, air guns, slingshots, or other projectile launching devices is prohibited.

11. Engaging in fighting, physically threatening or violent behavior is prohibited.

12. Operation or use of any audio device, noise producing device or motorized device in a manner that makes unreasonable noise or disturbs visitors is prohibited.

13. Possession or discharge of fireworks is prohibited.

Date of Issue: June 20, 1997.

Lee Lauritzen,

Acting District Manager,

[FR Doc. 97–17641 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–952–07–1420–00]

Notice of Filing of Plat of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below will be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on July 26, 1997.

New Mexico Principal Meridian, New Mexico

Tp. 32 N., R. 14 W., accepted May 22, 1997, for Group 851 NM; *Tp. 31 N., R. 16 W.,* accepted May 22, 1997, for Group 851 NM; *T. 32 N., R. 15 W.,* accepted May 22, 1997, for Group 851 NM; and *T. 32 N., R. 16W.,* accepted May 22, 1997, for Group 851 NM; *Tps. 29 and 30 N., R. 19 W.,* for Group 922 NM; and *T. 17 N., R. 23 E.,* accepted May 8, 1997, for Group 837 NM; and Supplemental plats for *T. 15 S., R. 10 E.,* accepted May 22, 1997, and *T. 25 N., R. 9 W., NM.*

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the NM State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

The above-listed plats represent dependent resurveys, surveys, and subdivisions.

These plats will be in the New Mexico State Office Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–0115 for inspection, until officially filed. Copies may be obtained from this office upon payment of $1.10 per sheet.

Dated: June 26, 1997.

John P. Bennett,

Chief Cadastral Surveyor for New Mexico.

[FR Doc. 97–17645 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Proposed Sacramento County Water Agency and San Juan Water District Central Valley Project Water Service Contracts, Sacramento County, California

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Notice of availability and notice of public hearing of the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (as amended) and the California Environmental Policy Act (CEQA), the Bureau of Reclamation (Reclamation) and the Sacramento County Water Agency (Agency) as lead agencies have prepared a joint DEIR/DEIS for the proposed Agency and San Juan Water District (District) Central Valley Project water service contracts for use in Sacramento County, California. A public hearing will be held to allow for public comment (oral or written) by interested parties, organizations, and individuals regarding the adequacy of the DEIS/DEIR.

DATES: Public comments on the DEIS/DEIR should be submitted on or before September 5, 1997.

A public hearing on the DEIS/DEIR will be held on August 12, 1997, from 6 pm to 8 pm.

ADDRESSES: The public hearing on the DEIS/DEIR will be held at the Sacramento County Administration Building, Hearing Room 2, 700 H Street, Sacramento, CA 95814.

Written comments on the DEIS/DEIR, requests for copies of the DEIS/DEIR, and requests to speak at the hearing should be addressed to Mr. Tad Berkebile, Sacramento County Water Agency, 827 Seventh Street, Room 301, Sacramento, CA 95814; telephone (916) 440–6851.

Copies of the DEIS/DEIR are also available for public inspection and review at the following locations:

1. Sacramento County Water Agency, 827 Seventh Street, Room 301, Sacramento, CA 95814.

2. Sacramento County Clerk-Recorder's Office, 600 Eighth Street, Sacramento, CA 95814.

3. San Juan Water District, 9935 Auburn-Folsom Road, Granite Bay, CA.

4. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825.

5. Bureau of Reclamation, Folsom Area Office, 7794 Folsom Dam Road, Folsom, CA 95630.

6. Sacramento Central Library, 828 I Street, Sacramento, CA.

7. Elk Grove Branch Library, 8962 Elk Grove Boulevard, Elk Grove, CA.

8. Orangevale Branch Library, 8820 Greenback Lane, Orangevale, CA.

9. Folsom Library, 300 Purcifer Street, Folsom, CA.

10. City of Folsom, Public Works Department, 50 Natoma Street, Folsom, CA.

FOR FURTHER INFORMATION CONTACT: Mr. Tad Berkebile, Sacramento County Water Agency, 827 Seventh Street, Room 301, Sacramento, CA 95814, telephone (916) 440–6851; or Mr. Cecil Lesley, U.S. Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630, telephone (916) 989–7221.

SUPPLEMENTARY INFORMATION: Public Law 101–514, Section 206, authorizes and directs the Secretary of the Interior to enter into long-term municipal and industrial water supply contracts to meet the immediate water needs of Sacramento County. Contracts under Public Law 101–514, Section 206, are not subject to the prohibition on new Reclamation contracts of Public Law 102–575, Title XXXIV. However, any contracts under Public Law 101–514 are required to have terms and conditions that allow the Secretary to amend the contracts as necessary to meet the obligations of applicable State and Federal laws. The law specifically directs the Secretary to enter into contracts not to exceed 22,000 acre-feet per year with the Agency and not to exceed 13,000 acre-feet per year with the District (serving a part of northeastern Sacramento County). Water delivered annually under these contracts is at the discretion of the Secretary, who will make a determination of the amount to be made available ''based upon the quantity of water actually needed * * * after. considering reasonable efforts to (i) promote full utilization of existing water entitlements within Sacramento County, (ii) implement water conservation and metering programs within areas served by the contract, and (iii) implement programs to maximize to the extent feasible conjunctive use of surface water and groundwater,'' (Pub.L. 101–514 § 206 (b)(1)). Of its annual allocation of 22,000 acre-feet per year, the Agency intends to provide up to 7,000 acre-feet per year to the City of Folsom through a subcontract.

No potentially affected Indian Trust Assets (ITAs) have been identified by Reclamation for the proposed project or alternatives.

Hearing Process Information

Those wishing to speak at the hearing may make advance request by writing or calling Mr. Tad Berkebile, Sacramento County Water Agency, 827 Seventh Street, Room 301, Sacramento, CA 95814, telephone (916) 440–6851. Speakers will be called upon to present their comments in the order in which their requests were received. Requests to speak may also be made at the hearing; these speakers will be called after the advance requests. Oral comments/presentations will be limited to 10 minutes per individual.

The hearing facilities have disabled access, but there are no facilities for the deaf. A telephone device for the hearing impaired (TDD) is available at (916) 875–7105.

Dated: June 27, 1997.

Roger K. Patterson,

Regional Director.

[FR Doc. 97–17449 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

Heavy Forged Handtools From the People's Republic of China; Dismissal of Request for Institution of a Section 751(b) Review Investigation

AGENCY: International Trade Commission.

ACTION: Dismissal of a request to institute a section 751(b) investigation concerning the Commission's affirmative determinations in investigation No. 731–TA–457 (Final), *Heavy Forged Handtools from the People's Republic of China.*

SUMMARY: The Commission determines, pursuant to section 751(b) of the Tariff Act of 1930 (the Act) (19 U.S.C. 1675(b)) and Commission rule 207.45 (19 CFR 207.45), that the subject request does not show changed circumstances sufficient to warrant institution of an investigation to review the Commission's affirmative determinations in investigation No. 731–TA–457 (Final), *Heavy Forged Handtools from the People's Republic of China,* in particular the determination concerning picks and mattocks. Picks and mattocks are provided for in subheading 8201.30.00 of the Harmonized Tariff Schedule of the United States.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger (202–205–3183) or Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

Background Information

On April 16, 1997, the Commission received a request to review its affirmative determination with respect to picks and mattocks in light of changed circumstances (the request), pursuant to section 751(b) of the Act (19 U.S.C. 1675(b)). The request was filed by counsel on behalf of Olympia Industrial, Inc. (Olympia), a major importer and distributor of heavy forged handtools, including picks and mattocks.

Pursuant to § 207.45(b) of the Commission's rules of practice and procedure (19 CFR 207.45(b)), the Commission published a notice in the **Federal Register** on April 30, 1997 (62 FR 23484) requesting comments as to whether the alleged changed circumstances warranted the institution of a review investigation. The Commission received comments in opposition to the request from counsel on behalf of Woodings-Verona, a domestic producer of picks and mattocks.

Analysis

In considering whether to institute a review investigation under section 751(b), the Commission will not institute such an investigation unless it is persuaded there is sufficient information demonstrating:

(1) That there are significant changed circumstances from those in existence at the time of the original investigation;

(2) That those changed circumstances are not the natural and direct result of the imposition of the antidumping order, and;

(3) That the changed circumstances, allegedly indicating that revocation of the order would not be likely to lead to continuation or recurrence of material injury to the domestic industry, warrant a full investigation.

See 19 U.S.C. 1675(b)(2)(A); *Certain Cold-Rolled Carbon Steel Flat Products from Germany and the Netherlands,* 61 FR 17319, 17320 (April 19, 1996); *A. Hirsh, Inc.* v. *United States,* 737 F. Supp. 1186 (CIT 1990); *Avesta AB* v. *United States,* 724 F. Supp. 974 (CIT 1989), *aff'd* 914 F.2d 232 (Fed Cir. 1990), *cert. denied,* 111 S. Ct. 1308 (1991). In the URAA, Congress changed the substantive standard applicable to changed circumstances reviews from whether the domestic industry would be materially injured or threatened with material injury if the order were revoked to whether revocation of the order is likely to lead to the continuation or recurrence of material injury to the domestic industry. 19 U.S.C. 1675(b)(2)(A).

After consideration of the request for review and the response to the notice inviting comments, the Commission has determined, pursuant to section 751(b) of the Act (19 U.S.C. 1675(b)) and Commission rule 207.45 (19 CFR 207.45), that the information of record, including the request and the comments received in response to the notice, does not show changed circumstances sufficient to warrant institution of an investigation to review the Commission's affirmative determination regarding picks and mattocks in investigation No. 731–TA–457 (Final).

The request alleged four changed circumstances warranting review: (1) Lack of production for commercial markets in the United States; (2) lack of competition between imports and U.S.-made picks and mattocks; (3) the argument that any production decline in the United States since imposition of the antidumping order is not the ''natural and direct result'' of the order, and; (4) the argument that prices of imports of picks and mattocks from nonsubject countries, such as Mexico, Poland, and India, are lower than prices of imports of picks and mattocks from China. The information available on the record does not persuade us that a full investigation is warranted for any of these allegations.[1]

First, the request argues that there is currently no known production of picks and mattocks for sale in so-called ''commercial markets'' in the United States. Based on information currently available, however, the Commission concludes that U.S. production of picks and mattocks for commercial markets has not ceased, but, on the contrary,

[1] The second and third alleged changed circumstances are very closely related to the first, namely, the alleged cessation of production for commercial markets in the United States. In particular, the argument that the alleged cessation in domestic production for commercial markets is not the ''natural and direct result'' of the order is not a changed circumstance in and of itself, but rather an argument that the alleged cessation of production is a changed circumstance. Similarly, the allegation that there is no competition between imports and domestically-produced picks and mattocks is not a changed circumstance in and of itself, but rather a result of the alleged changed circumstance of the cessation in domestic production for commercial markets.

commercial sales of U.S. production of picks and mattocks are still significant. There is no evidence of the complete, or virtually complete, cessation of production that the Commission has, in the past, considered to be a changed circumstance warranting institution of a review investigation.

Second, the request argues that prices of picks and mattocks from China are currently higher, and quantities lower, than prices and quantities of picks and mattocks from countries not subject to the order. Replacement of subject imports by nonsubject imports alone, however, does not necessarily constitute a changed circumstance. Moreover, changes in volumes of subject versus non-subject imports, and any associated changes in relative prices, may in fact be attributable to the effects of the order. Further, to the extent that the transfer of market share from subject to nonsubject imports could be a changed circumstance warranting review, there is no evidence that this has occurred in the picks and mattocks industry.

In light of the above analysis, the Commission determines that institution of a review investigation under section 751(b) of the Act concerning the Commission's affirmative determination regarding picks and mattocks in investigation No. 731–TA–457 (Final), is not warranted.

Issued: June 30, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–17581 Filed 7–3–97; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Revision of a Currently Approved Collection; Comment Request

ACTION: Notice of information collection under review; Application for Registration (DEA Form 225) and Application for Registration Renewal (DEA Form 225a).

The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until September 5, 1997.

We are requesting written comments and suggestions from the public and affected agencies concerning the collection of information. Your comments should address one or more of the following four points:

1. Evaluate 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;

2. Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Mr. James M. Sheehan, 202–307–7250, Chief, Registration Unit, Drug Operations Section, Office of Diversion Control, Drug Enforcement Administration Washington, DC 20537. If you have additional comments suggestions, or need a copy of the information collection instrument with instructions, or additional information, please contact Mr. James M. Sheehan.

Additionally, comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530. Additional comments may be submitted to DOJ via facsimile at 202–514–1490.

Overview of this information collection:

1. Type of Information Collection: Revision of a currently approved collection.

2. Title of the Form/Collection: Application for Registration (DEA Form 225) and Application for Registration Renewal (DEA Form 225a).

3. Agency form number: DEA Form 225, DEA Form 225a; *Applicable component of the Department of Justice sponsoring the collection:* Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Business or other for-profit, Other: individuals or households, Not-for-profit institutions and State, Local or Tribal Government.

The Controlled Substances Act requires all firms and individuals who manufacture, distribute, import, export, conduct research or dispense controlled substances to register with DEA. Registration provides a closed system of distribution to control the flow of controlled substances through the distribution chain.

These revisions of the forms will not add any burden to the affected public. The subject forms are being revised to provide the ability to use an Optical Character Reader (OCR) for form processing and to provide for registrants Social Security Number and/or Tax Identification Number. The OCR will enable DEA to increase efficiency and accelerate processing of registrant applications. Social Security Number and/or Tax Identification Number are requested to correctly identify registrants, to expedite application processing, database integration and telephone system upgrades.

1. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 10,000 respondents at 1 response per year at 30 minutes per response.

2. An estimate of the total public burden (in hours) associated with the collection: 5,000 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: July 1, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–17557 Filed 7–3–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Revision of a Currently Approved Collection; Comment Request

ACTION: Notice of information collection under review; Application for Registration (DEA Form 363) and Application for Registration Renewal (DEA Form 363a).

The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until September 5, 1997.

We are requesting written comments and suggestions from the public and affected agencies concerning the collection of information. Your

comments should address one or more of the following four points:

1. Evaluate 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;

2. Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Mr. James M. Sheehan, 202–307–7250, Chief, Registration Unit, Drug Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. If you have additional comments, suggestions, or need a copy of the information collection instrument with instructions, or additional information, please contact Mr. James M. Sheehan.

Additionally, comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530. Additional comments may be submitted to DOJ via facsimile at 202–514–1590.

Overview of this information collection:

1. Type of Information Collection: Revision of a currently approved collection.

2. Title of the Form/Collection: Application for Registration (DEA Form 363) and Application for Registration Renewal (DEA Form 363a).

3. Agency form number: DEA Form 363, DEA Form 363a; Applicable component of the Department of Justice sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State, Local or Tribal Government, Business or other for-profit and not-for-profit institutions.

Practitioners who dispense narcotic drugs to individuals for maintenance or detoxification treatment must register with the DEA under the Narcotic Addict Treatment Act of 1974. Registration is needed for control measures and is used to prevent diversion.

These revisions of the forms will not add any burden to the affected public. The subject forms are being revised to provide the ability to use an Optical Character Reader (OCR) for form processing and to provide for registrants Social Security Number and/or Tax Identification Number. The OCR will enable DEA to increase efficiency and accelerate processing of registrant applications. Social Security Number and/or Tax Identification Number are requested to correctly identify registrants, to expedite application processing, database integration and telephone system upgrades.

1. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 900 respondents at 1 response per year at 30 minutes per response.

2. An estimate of the total public burden (in hours) associated with the collection: 450 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: July 1, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–17558 Filed 7–3–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Revision of a Currently Approved Collection; Comment Request

ACTION: Notice of information collection under review; Application for Registration (DEA Form 224) and Application for Registration Renewal (DEA Form 224a).

The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until September 5, 1997.

We are requesting written comments and suggestions from the public and affected agencies concerning the collection of information. Your comments should address one or more of the following four points:

1. Evaluate 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;

2. Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Mr. James M. Sheehan, 202–307–7250, Chief, Registration Unit, Drug Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. If you have additional comments, suggestions, or need a copy of the information collection instrument with instructions, or additional information, please contact Mr. James M. Sheehan.

Additionally, comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530. Additional comments may be submitted to DOJ via facsimile at 202–514–1590.

Overview of this information collection:

1. Type of Information Collection: Revision of a currently approved collection.

2. Title of the Form/Collection: Application for Registration (DEA Form 224) and Application for Registration Renewal (DEA Form 224a).

3. Agency form number: DEA Form 224, DEA Form 224a; Applicable component of the Department of Justice sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households, small businesses or organizations.

All firms and individuals who distribute or dispense controlled substances must register with the DEA under the Controlled Substances Act.

Registration is needed for control measures over legal handlers of controlled substances and is used to monitor their activities.

These revisions of the forms will not add any burden to the affected public. The subject forms are being revised to provide the ability to use an Optical Character Reader (OCR) for form processing and to provide for registrants Social Security Number and/or Tax Identification Number. The OCR will enable DEA to increase efficiency and accelerate processing of registrant applications. Social Security Number and/or Tax Identification Number are requested to correctly identify registrants, to expedite application processing, database integration and telephone system upgrades.

1. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 275,000 respondents at 1 response per year at 12 minutes per response.

2. An estimate of the total public burden (in hours) associated with the collection: 55,000 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: July 1, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–17559 Filed 7–3–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufactuer of Controlled Substances; Notice of Registration

By Notice dated February 21, 1997, and published in the **Federal Register** on March 19, 1997, (62 FR 13169), B.I. Chemical, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methadone (9250)	II
Methadone-intermediate (9254) ...	II
levo-alphacetylmethadol (9648) ...	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of B.I. Chemical, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: June 23, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–17514 Filed 7–3–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB emergency approval; application for travel document.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by July 31, 1997. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Debra Bond, 202–395–7316, Department of Justice Desk Officer, Washington, DC 20503.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted untill September 5, 1997. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Application for Travel Document.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–131. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form is used by permanent or conditional residents, refugees or asyles and aliens abroad seeking to apply for a travel document to lawfully reenter the United States or be paroled for humanitarian purposes into the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 335,000 respondents at 55 minutes (.90) hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 301,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Mr. Richard A. Sloan, 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: June 30, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–17555 Filed 7–3–97; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB Emergency Approval; Request for certification of Military or Naval Services.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by July 31, 1997. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Debra Bond, 202–395–7316, Department of Justice Desk Officer, Washington, DC 20503.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until September 5, 1997. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Request for Certificate of Military or Naval Services.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–426. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form is used by certain aliens applying to become United States citizens on the basis of honorable service in the U.S. Armed Services.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 45,000 respondents at 10 minutes (.166) hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 7,470 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Mr. Richard A. Sloan, 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: June 30, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–17556 Filed 7–3–97; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure therein prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is

encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the county.

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Signed at Washington, D.C. this 27th day of June 1997.

Margaret Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 97–17378 Filed 7–3–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR97–31]

Information Collection Activities; Proposed Collection, Comment Request; Portable Fire Extinguishers (29 CFR 1910.157(f)(16))—Hydrostatic Test Certification Record

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 (PRA 95) (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 impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirement contained in 29 CFR 1910.157(f)(16). The Agency 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 partial 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 equality, 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.

DATES: Written comments regarding this notice must be submitted on or before September 5, 1997.

ADDRESSES: Comments must be submitted to the Docket Office, Docket No. ICR97–31, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Ave., Washington, D.C. 20210. Telephone: (202) 219–7894. Written comments, 10 pages or fewer in length, may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Michael B. Moore, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Ave., NW., Washington, D.C. 20210. Telephone: (202) 219–722, ext. 115. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to person who request copies by telephoning Theda Kenney at (202) 219–8061, ext. 100 or Barbara Bielaski at (202) 219–8076, ext. 142. For electronic copies of the information collection request on Portable Fire Extinguishers (29 CFR 1910.157(f)(16))—Hydrostatic

Test Certification Record, contact OSHA's WebPage on the Internet at http://www.osha.gov/ and click on ''standard.''

SUPPLEMENTARY INFORMATION:

I. Background

OSHA requires that you hydrostatically test portable fire extinguishers every five to 12 years depending upon the type of shell construction. Upon request, evidence must be presented indicating that such tests had been conducted at the time intervals shown in Table L–1 of 29 CFR 1910.157. OSHA requires the employer to provide, as evidence of the test, the date of the test, the signature of the person performing the test, and the serial number or other identifier of the extinguisher that was tested. The employer must retain the evidence of testing for the test interval OSHA requires for the extinguisher (five to 12 years) or until the extinguisher is removed from service.

II. Current Actions

This notice require an extension of the current Office of Management and Budget (OMB) approval of the inspection certification requirements contained in Portable Fire Extinguishers (29 CFR 1910.157(f)(16))—Hydrostatic Test Certification Record (currently approved under OMB Control No. 1218–0210).

Type of Review: Extension.

Agency: U.S. Department of Labor, Occupational Safety and Health Administration.

Title: Portable Fire Extinguishers (29 CFR 1910.157(f)(16))—Hydrostatic Test Certification Record.

OMB Number: 1218.

Agency Number: Docket Number ICR–97–31.

Affected Public: Business or other for-profit; Federal, state, local or tribal governments.

Number of Respondents: 1,275,500.

Frequency: Varies.

Average Time per Response: 0.25 hours.

Estimated Total Burden Hours: 318,750.

Total Annualized Capital/Startup Costs: $0.

Signed at Washington, D.C., this 26th day of June 1997.

John F. Martonik,

Acting Director, Directorate of Safety Standards Program.

[FR Doc. 97–17632 Filed 7–3–97; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 97–30]

Agency Information Collection Activities; Request for Withdrawal of Approval for Information Collection Activities; Aboveground Tank Venting Devices (29 CFR 1910.106(b)(2)(v)(i) and 29 CFR 1926.152(i)(2)(v)(i)—Manufacturers' Certification of Test

ACTION: Withdrawal.

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 (PRA 95) (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 impact of collection requirements on respondents can be properly assessed. Currently, OSHA is soliciting comments concerning the proposed withdrawal of the information collection requirements for a manufacturer's certification of test validity for aboveground liquid storage tank venting devices contained in 29 CFR 1910.106(b)(2)(v)(i) and 29 CFR 1926.152(i)(v)(I).

DATES: Written comments must be submitted on or before September 5, 1997.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–97–30, Occupational Safety Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Michael B. Moore, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone: (202) 219–7216, ext. 115. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 219–8061, ext. 100, or Barbara Bielaski at (202) 219–8076, ext. 142. For electronic copies of the Information Collection Request to Withdraw on the certification provisions of Aboveground Tank Venting Devices, contact OSHA's Web Page on the Internet at http://www.osha.gov/ and click on standards.

SUPPLEMENTARY INFORMATION:

I. Comments

OSHA requests comments on its determination that the vent test requirements do not involve a collection of information and; therefore, are not subject to approval of OMB under the Paperwork Reduction Act (PRA).

The provisions in question require the employer to make a test but do not require records. Tests performed by manufacturer must be certified by a qualified impartial observer. OSHA originally considered the term ''certified'' to involve a collection of information and to be subject to PRA. Upon reconsideration, OSHA no longer believes the term ''certified'' as used implies a paperwork burden and hence its request to withdraw its paperwork burden estimate. There is no change to the actual requirement to conduct the test as a result of the Agency's determination that no paperwork burden exists.

If commenters disagree with the Agency's determination, and instead believe that a burden does exist, then the Agency 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;
- Evlauate 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.

II. OSHA's Estimate of a Burden

As stated before, OSHA no longer believes that an information collection burden exists for these two provisions.

However, with respect to 29 CFR 1910.106(b)(2)(v)(i), OSHA estimated previously that there were 3 million employers that could have aboveground storage tanks that would require venting devices. Of those, OSHA estimated that one-half or 1.5 million employers would turn to the manufacturer for venting device testing. OSHA previously assumed that these 1.5 million employers would have to obtain and make available to OSHA a manufacturer's certificate of test validity. OSHA estimated that it would take each employer 5 minutes to retrieve and provide the manufacturer's test certificate to OSHA and that each employer could have 5 tanks. Based upon these assumptions, OSHA estimated previously that it would take employers 625,000 hours to provide the test certificates (1.5 million employers x 5 minutes/employer × 5 tanks/employer). OSHA used a wage rate of $25.00/hour for the individual who would obtain and provide the test validity certificate. OSHA, therefore, estimated a one-time cost burden of $15,625,000.00.

With respect to 29 CFR 1926.152(i)(2)(v)(I), OSHA estimated previously that there were 1,000 construction sites that could have as many as two tanks per site that would use the manufacturer's test. Using the same wage rate as used for part 1910, OSHA estimated that employers in the construction industry would use approximately 833 hours and spend approximately $20,825.00 to obtain and provide the manufacturer's certificate of test validity.

The total burden estimate for this standard in both general industry and construction was estimated to be 625,833 hours and $15,627,075.00.

With the withdrawal of the previous information collection approval, the burden for these certifications will become zero dollars.

Type of Review: Request for withdrawal of approval.

Title: Aboveground Tank Venting Devices (29 CFR 1910.106(b)(2)(v)(i) and 29 CFR 1926.152(i)(2)(v)(I)—Manufacturer's Certification Test.

Frequency of Response: Varies.

Affected Public: Business or other for profit and Federal; State, local or tribal governments.

Previous Number of Respondents: 1,501,000.

Revised Number of Respondents: Zero (0).

Previous Estimated Time Per Response: 5 minutes.

(*Revised Time of Response:* Zero minutes (0:00).

Previous Total Annual Burden Hours: 625,083.

Revised Total Annual Burden Hours: 0.

Total Annualized Capital/Startup Costs: 0.

Signed at Washington, D.C., this 26th day of June 1997.

John F. Martonik,

Acting Director, Directorate of Safety Standards Programs.

[FR Doc. 97–17633 Filed 7–3–97; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–97–39]

Agency Information Collection Activities; Proposed Collection; Comment Request; Telecommunications (19 CFR 1910.268(c))—Training Certification

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 (PRA 95) (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 impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirement contained in 29 CFR 1910.268(c). The Agency 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.

DATES: Written comments must be submitted on or before September 5, 1997.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–97–39, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone: (202) 219–7894. Written comments limited as 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Belinda Cannon, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW, Washington, D.C. 20210, telephone: (202) 219–8161. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 219–8061, ext. 100, or Barbara Bielaski at (202) 219–8076, ext. 142. For electronic copies of the Information Collection Request on the training provision in the Telecommunications standard, contact OSHA's WebPage on the Internet at http://www.osha.gov/and click on ''standards.''

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

The training certification records required in 29 CFR 1910.268(c) are necessary to assure compliance with the requirement for telecommunications. They are intended to assure that employees have been trained in the various precautions and safe practices in work performed at

telecommunications centers and at telecommunications field installations which are located outdoors or in building spaces used for such field installations.

II. Current Actions

This notice requests an extension of the current Office of Management and Budget (OMB) approval of the training certification requirement contained in 29 CFR 1910.268(c)—Telecommunications (currently approved under OMB Control No. 1218–0210).

Type of Review: Extension.

Agency: U.S. Department of Labor, Occupational Safety and Health Administration.

Title: Telecommunications (29 CFR 1910.268(c)—Training certification.

OMB Number: 1218–

Agency Number: Docket Number ICR–97–39.

Affected Public: State or local governments; Business or other for-profit.

Number of Respondents: 213,980.

Frequency: Varies.

Average Time per Response: 0.08 hour.

Estimated Total Burden Hours: 17,118.

Total Annualized Capital/Startup Costs: $0.

Signed at Washington, D.C. this 30th day of June 1997.

John F. Martonik,

Acting Director, Directorate of Safety Standards Programs.

[FR Doc. 97–17634 Filed 7–3–97; 8:45 am]

BILLING CODE 4510–26–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Sunshine Act Meeting of the Board of Directors Finance Committee

TIME AND DATE: The Finance Committee of the Legal Services Corporation's Board of Directors will meet on July 13, 1997. The meeting will begin at 9:15 a.m. and continue until conclusion of the committee's agenda.

LOCATION: Garden West Room, Omni Los Angeles Hotel & Centre, 930 Wilshire Blvd., Los Angeles, CA 90017, (213) 896–3880.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of the May 9, 1997, committee meeting.
3. Review of Corporation's FY 1997 budget and expenses through May 31, 1997.
4. Review of status of FY 1998 appropriation request.
5. Preliminary discussion and setting of timetable for FY 1999 appropriation request.
6. Consider and act on how to fund the processing of employee grievances filed against the Inspector General or President of the Corporation.
7. Consider and act on other business.
8. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Jean Edwards at (202) 336–8811.

Dated: July 2, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–17759 Filed 7–2–97; 2:13 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Sunshine Act Meeting of the Board of Directors Ad Hoc Committee on Performance Reviews of the President and Inspector General

TIME AND DATE: The Ad Hoc Committee on Performance Reviews of the President and Inspector General of the Legal Services Corporation's Board of Directors will meet on July 13, 1997. The meeting will begin at 9:30 a.m. and continue until conclusion of the committee's agenda.

LOCATION: Los Angeles Room, Omni Los Angeles Hotel & Centre, 930 Wilshire Blvd., Los Angeles, CA 90017, (213) 896–3880.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Consider and act on proposed policies and procedures for annual performance reviews of the Corporation's President and Inspector General.
3. Consider and act on other business.
4. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Jean Edwards at (202) 336–8811.

Dated: July 2, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–17760 Filed 7–2–97; 2:13 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Sunshine Act Meeting of the Board of Directors' Ad Hoc Committee on Grievances

TIME AND DATE: The Ad Hoc Committee on Grievances of the Legal Services Corporation Board of Directors will meet on July 13, 1997. The meeting will begin at 10:30 a.m. and continue until conclusion of the committee's agenda.

LOCATION: Los Angeles Room, Omni Los Angeles Hotel & Centre, 930 Wilshire Blvd., Los Angeles, CA 90017, (213) 896–3880.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Report on the status of the only grievance that is currently pending.
3. Consider and act on the issue of how to fund the processing of employee grievances against the Corporation's President or Inspector General.
4. Consider and act on whether to recommend to the Board of Directors any revisions to the procedure adopted by the Board on May 10, 1997, for the handling of grievances filed against the Corporation's President or Inspector General.
5. Consider and act on any report submitted by the fact-finder in the only grievance that is currently pending.
6. Consider and act on other business.
7. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Jean Edwards at (202) 336–8811.

Dated: July 2, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–17761 Filed 7–2–97; 2:13 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Meeting of the Board of Directors Committee on Provision for the Delivery of Legal Services

TIME AND DATE: The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation's Board of Directors will meet on July 13, 1997. The meeting will begin at 10:30 a.m. and continue until conclusion of the committee's agenda.

LOCATION: Garden West Room, Omni Los Angeles Hotel and Centre, 930 Wilshire Blvd., Los Angeles, CA 90017, (213) 896-3880.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of the May 9, 1997, committee meeting.
3. Report by the Corporation's Inspector General on the status of implementation of § 509 of Pub. L. 104–134.
4. Staff report on activities of the Office of Program Operations.
5. Consider and act on final revisions to the Accounting Guide for LSC Grantees.
6. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Jean Edwards at (202) 336–8811.

Dated: July 2, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–17762 Filed 7–2–97; 2:13 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Meeting of the Board of Directors Operations and Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on July 13, 1997. The meeting will begin at 1:00 p.m. and continue until the committee concludes its agenda.

LOCATION: Garden West Room, Omni Los Angeles Hotel & Centre, 930 Wilshire Blvd., Los Angeles, CA 90017, (213) 896–3880.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of minutes of the May 9, 1997, committee meeting.
3. Approval of minutes of the committee's May 9, 1997, executive session.
4. Consider and act on final revisions to 45 CFR Part 1626, the Corporation's regulation restricting legal assistance to aliens.
5. Consider and act on proposed revisions to 45 CFR Part 1630, the Corporation's regulation governing cost standards and procedures.
6. Consider and act on proposed technical revisions to 45 CFR Part 1602, the Corporation's procedures for disclosure of information under the Federal Freedom of Information Act.
7. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Jean Edwards at (202) 336–8811.

Dated: July 2, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–17763 Filed 7–2–97; 2:13 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on July 14, 1997. The meeting will begin at 8:30 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Garden West Room, Omni Los Angeles Hotel & Centre, 930 Wilshire Blvd., Los Angeles, CA 90017, (213) 896–3880.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provision of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and the corresponding regulation of the Legal Services Corporation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of minutes of the May 10, 1997, Board meeting.
3. Approval of minutes of the May 10, 1997, executive session.
4. Chairman's and Members' Reports.
5. President's Report.
6. Inspector General's Report.
7. Presentation by California project directors.
8. Ratification of the Corporation's employment contract with John McKay.
9. Consider and act on the report of the Board's Operations and Regulations Committee:
   a. Consider and act on final revisions to 45 CFR Part 1626, the Corporation's regulation restricting legal assistance to aliens.
   b. Consider and act on technical revisions to 45 CFR Part 1602, the Corporation's procedures for disclosure of information under the Federal Freedom of Information Act.
10. Consider and act on the report of the Board's Finance Committee.
11. Consider and act on the report of the Board's Provision for the Delivery of Legal Services Committee.
    a. Consider and act on final revisions to the Accounting Guide for LSC Grantees.
12. Consider and act on the report of the Ad Hoc Committee on Performance Reviews of the President and Inspector General.
    a. Consider and act on proposed policies and procedures for annual performance reviews of the Corporation's President and Inspector General.
13. Consider and act on the report of the Ad Hoc Committee on Grievances.
    a. Consider and act on proposed amendment(s) to the procedure adopted by the Board on May 10, 1997, for the handling of employee grievances filed against the Corporation's Inspector General and its President.
14. Consider and act on the development of a strategic planning process.

Closed Session

15. Briefing [1] by the Inspector General on the activities of the OIG.
16. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

Open Session

17. Public comment.
18. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Jean Edwards at (202) 336–8811.

Dated: July 2, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97–17764 Filed 7–2–97; 2:13 pm]

BILLING CODE 7050–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* July 11, 1997
   Time: 8:30 a.m. to 6:00 p.m.
   Room: 415
   Program: This meeting will review applications for Challenge Grants for Colleges and Universities, submitted to the Office of Challenge Grants for projects at the May 1, 1997 deadline.
2. *Date:* July 14, 1997
   Time: 8:30 a.m. to 6:00 p.m.
   Room: 415
   Program: This meeting will review applications for Challenge Grants for Museums and Public Humanities Organizations, submitted to the Office of Challenge Grants for projects at the May 1, 1997 deadline.
3. *Date:* July 21, 1997
   Time: 8:30 a.m. to 6:00 p.m.
   Room: 415
   Program: This meeting will review applications for Challenge Grants for Research Institutions, submitted to the Office of Challenge Grants for projects at the May 1, 1997 deadline.
4. *Date:* July 21, 1997
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 315
   Program: This meeting will review applications for Challenge Grants for Fellowships for College Teachers and Independent Scholars in American History I, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
5. *Date:* July 21, 1997
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 430
   Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Music, Dance, and Film, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
6. *Date:* July 22, 1997
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 315
   Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Philosophy, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
7. *Date:* July 23, 1997
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 430
   Program: This meeting will review applications for Fellowships for University Teachers in U.S. and Latin American History and Studies I, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
8. *Date:* July 23, 1997
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 315
   Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in African, Asian, and Latin American History, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
9. *Date:* July 25, 1997
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 315
   Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Languages and Literatures I, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
10. *Date:* July 25, 1997
    Time: 8:30 a.m. to 6:00 p.m.
    Room: 415
    Program: This meeting will review applications for Challenge Grants for Public Libraries, submitted to the Office of Challenge for projects at the May 1, 1997 deadline.
11. *Date:* July 25, 1997
    Time: 8:30 a.m. to 5:00 p.m.
    Room: 430
    Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Languages and Literature II, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.
12. *Date:* July 28, 1997
    Time: 8:30 a.m. to 5:00 p.m.
    Room: 315
    Program: This meeting will review applications for Fellowships for

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR § 1622.2 & 1622.3.

University Teachers in European History, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.

13. *Date:* July 28, 1997
Time: 8:30 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in European History, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.

14. *Date:* July 29, 1997
Time: 8:30 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review applications for Fellowships for University Teachers in Music, Dance, Theater and Media, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.

15. *Date:* July 30, 1997
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications for Fellowships for University Teachers in Modern European Languages, Literatures and Criticism, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.

16. *Date:* July 31, 1997
Time: 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in American History II, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.

17. *Date:* July 31, 1997
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications for Fellowships for University Teachers in American History and Studies II, submitted to the Division of Research and Education for projects at the May 1, 1997 deadline.

Nancy E. Weiss,
Advisory Committee, Management Officer.
[FR Doc. 97–17640 Filed 7–3–97; 8:45 am]
BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Comment Request; Submission for OMB Review

AGENCY: National Science Foundation.

ACTION: Comment request; submission for OMB review.

Title of Collection: NSF Surveys to Measure Customer Service Satisfaction.

SUMMARY: The National Science Foundation, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). This is the second notice for public comment, the first was published in the **Federal Register** on April 22, 1997 at Vol. 62, No. 77, page 19622. No comments were received from the public in response to the first notice.

COMMENT DUE DATES: Written comments must be received on or before August 4, 1997.

ADDRESSES: Submit comments to Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, N.W. Room 10235, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Gail A. McHenry, the NSF Reports Clearance Officer on (703) 306–1125 x2010 or send email to gmchenry@nsf.gov.

SUPPLEMENTARY INFORMATION:

1. Abstract

Executive Order 12862 requires that Federal agencies ''survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.'' The National Science Foundation has an ongoing need to collect information from its customer community (primarily individuals and organizations engaged in science and engineering research and education) to get perceptions of the quality and kind of our grant-making and other services.

2. Use of the Information

The purpose of these ongoing collections of customer satisfaction information is to assist NSF in continuously evaluating its operations in order to improve customer service.

3. Expected Respondents

Respondents will primarily be individuals and organizations engaged in science and engineering research and education.

4. Burden on the Public

The burden on the public will change according to the needs of each individual customer satisfaction survey, however, each survey is estimated to take approximately 30 minutes per response.

Dated: June 24, 1997.

Gail A. McHenry,
NSF Reports Clearance Officer.
[FR Doc. 97–17535 Filed 7–3–97; 8:45 am]
BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Comment Request; Submission for OMB Review

AGENCY: National Science Foundation.

ACTION: Comment request; submission for OMB review.

Title of Collection: Baseline Data Collection for FastLane Project.

SUMMARY: The National Science Foundation, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). This is the second notice for public comment, the first was published in the **Federal Register** on April 21, 1997 at Vol. 62, No. 76, page 19358. No comments were received in response to the first notice. NSF is submitting this proposed collection to OMB for clearance simultaneously with the publication of this second notice.

COMMENT DUE DATE: Written comments must be received on or before August 4, 1997.

ADDRESSES: Submit comments to Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC. 20503.

FOR FURTHER INFORMATION CONTACT:

Gail A. McHenry, the NSF Reports Clearance Officer on (703) 306–1125 x2010 or send email to gmchenry@nsf.gov.

SUPPLEMENTARY INFORMATION:

1. Abstract

The NSF FastLane project is a 3-year experimental program using advanced information technology to re-design and streamline the way NSF does business with the research community. The long-term goals of FastLane are to reduce administrative burden, lower costs, and increase access to information for the research and education communities. The National Science Foundation (NSF) designed this new collection effort to assemble baseline information from

research institutions about the administrative burden (time and cost measurements) and workflow processes associated with the preparation, submission, and post-award administration of proposals to NSF and other federal research funding agencies.

2. Use of the Information

The purpose of this study is to collect baseline data about administrative processes that NSF expects to improve with FastLane. NSF will then be able to gauge the impact of FastLane on specific administrative processes at research institutions by comparing out-year measurements to these baselines. The results of these comparisons will help to guide future FastLane development efforts.

3. Expected Respondents

The collection effort will involve approximately 55 institutions and will be conducted as a telephone survey. In the course of the survey, both administrative and research staff will be contacted at each institution.

4. Burden on the Public

The Foundation estimates that a total annual reporting and recordkeeping burden of 363 hours will result from the collection of information. The calculation is: 484 respondents (11 individuals per institution×55 institutions×80% estimated response rate)×1 response (one-time survey)×45 minutes/respondent=363 hours.

Dated: June 24, 1997.

Gail A. McHenry,

NSF Reports Clearance Officer.

[FR Doc. 97–17536 Filed 7–3–97; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[IA 97–050]

In the Matter of Mr. Lonnie Randall Wilson; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Mr. Lonnie Randall Wilson, a contract insulator, was employed at American Electric Power Company's (Licensee) D.C. Cook Nuclear Plant facility. The Licensee is the holder of License Numbers DPR–58 and DPR–74, issued by the Nuclear Regulatory Commission (NRC) on October 25, 1974, and December 23, 1977, respectively. These licenses authorize the operation of D.C. Cook Nuclear Plant Units 1 and 2 in accordance with the conditions specified therein. The facility is located on the Licensee's site in Bridgman, Michigan.

II

In accordance with 10 CFR 73.56, nuclear power plant licensees must conduct access authorization programs for individuals seeking unescorted access to protected and vital areas of the plant with the objective of providing high assurance that individuals granted unescorted access are trustworthy and reliable and do not constitute an unreasonable risk to the health and safety of the public. The unescorted access authorization program must include a background investigation which, at a minimum, verifies a person's true identity, verifies an individual's character and reputation, and develops information concerning an individual's employment and criminal histories. The decision to grant unescorted access authorization must be based on the licensee's review and evaluation of all pertinent information.

In order to be certified for unescorted access at the D.C. Cook Nuclear Plant as a contractor employee, Mr. Wilson completed a security background screening questionnaire on December 11, 1993 and answered ''no'' to questions regarding whether he had ever tested positive for drugs or ever been removed or denied access to a nuclear power plant. Contrary to this response, on July 23, 1991, Mr. Wilson had been denied access to the Turkey Point Nuclear Station for testing positive for illegal drugs. In addition, Mr. Wilson gained unescorted access to the James A. Fitzpatrick Nuclear Power Plant by falsifying his New York Power Authority (NYPA) Personal History Questionnaire for Unescorted Access, dated January 7, 1992.

By deliberately falsifying information on his background questionnaire to gain unescorted access to the D.C. Cook Nuclear Plant, Mr. Wilson was granted unescorted access during the periods February 11, 1994, through April 22, 1994, and September 19, 1994, through November 11, 1994. On November 16, 1994, Mr. Wilson returned to the Fitzpatrick Plant and again applied for access. Mr. Wilson deliberately falsified information on his NYPA Personal History Questionnaire for Unescorted Access dated November 16, 1994 in order to again be granted unescorted access at this plant. During the review process, Fitzpatrick security discovered that Mr. Wilson had tested positive for drug use at Turkey Point, and that Florida Power and Light Company had denied him unescorted access at that plant. When Mr. Wilson was interviewed on November 18, 1994 by the Access Control Coordinator at Fitzpatrick, in reference to his background investigation, Mr. Wilson commented to the Access Control Coordinator that ''it took three plants to finally catch him, he's made 30–40,000 dollars by lying and would do it again, I'm not the only one doing this.'' Although Mr. Wilson later denied making the statement that he would falsify access forms in the future to gain unescorted access to nuclear power plants, the Access Control Coordinator at Fitzpatrick documented, by an undated memorandum, that Mr. Wilson informed him that Mr. Wilson would lie again to gain unescorted access to nuclear power plants.

Mr. Wilson was prosecuted in the Western Judicial District of Michigan for making false statements on his access application at the D.C. Cook Nuclear Plant. On March 10, 1997, Mr. Wilson was sentenced by Judge Robert H. Bell, U.S. District Court in Grand Rapids, Michigan to a 2-year probation, a $2,000 fine, and other penalties for making false statements on his access application at D.C. Cook.

III

Based on the above, the NRC has concluded that Mr. Wilson engaged in deliberate misconduct by falsifying information contained in a background questionnaire by not stating that he failed a fitness-for-duty drug test and that he had been denied access to the Turkey Point Nuclear Power Station in July 1991. This falsified information was relied upon, in part, in granting Mr. Wilson unescorted access to the D.C. Cook Nuclear Plant facility on two separate occasions in 1994, and at the Fitzpatrick Plant prior to 1994. Mr. Wilson's actions constitute a violation of 10 CFR 50.5(a)(2), which prohibits an individual from deliberately providing information to a licensee or contractor that the individual knows is inaccurate or incomplete in some respect material to the NRC. The information that Mr. Wilson provided regarding his background information was material because, as indicated above, licensees are required to consider such information in making unescorted access determinations in accordance with the requirements of 10 CFR 73.56.

The NRC must be able to rely on the Licensee, its contractors, and the Licensee and contractor employees to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Wilson's actions in deliberately

providing false information to the Licensee constitute deliberate violations of Commission regulations, and his doing so on multiple occasions raise serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to NRC Licensees and their contractors in the future. Mr. Wilson's conduct raises doubt about his trustworthiness and reliability.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public would be protected if Mr. Wilson were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Wilson be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order. In addition, if Mr. Wilson is currently involved with another licensee in NRC-licensed activities, Mr. Wilson must immediately cease such activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer. Additionally, Mr. Wilson is required to notify the NRC of his employment in NRC-licensed activities for a period of five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Wilson's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 103, 161b, 161c, 161i, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 50.5, *It Is Hereby Ordered, Effective Immediately, That*:

1. Mr. Lonnie Randall Wilson is prohibited from engaging in activities licensed by the NRC for five years from the date of this Order. For the purposes of this Order, licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20

2. For a period of five years after the five year period of prohibition has expired, Mr. Wilson shall, within 20 days of his acceptance of each employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Mr. Wilson shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission shall have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Wilson of good cause.

V

In accordance with 10 CFR 2.202, Mr. Wilson must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Wilson or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U. S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, Region III, U. S. Nuclear Regulatory Commission, 801 Warrenville Road, Lisle, Illinois 60532–4351, and to Mr. Wilson, if the answer or hearing request is by a person other than Mr. Wilson. If a person other than Mr. Wilson requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Wilson or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Wilson may, in addition to demanding a hearing, at the time that answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An Answer or a Request for a Hearing Shall Not Stay the Immediate Effectiveness of this Order.*

Dated at Rockville, Maryland this 27th day of June 1997.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 97–17614 Filed 7–3–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Thermal Hydraulic Phenomena; Postponed

A meeting of the ACRS Subcommittee on Thermal Hydraulic Phenomena scheduled to be held on July 21–22, 1997, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland, *has been postponed due to the unavailability of documents.* Notice of this meeting was published in the **Federal Register** on Monday, June 23, 1997 (62 FR 33937). Rescheduling of this meeting will be announced in a future **Federal Register** Notice.

For further information contact: Mr. Paul A. Boehnert, cognizant ACRS staff engineer (telephone 301/415–8065) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: June 30, 1997.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 97–17613 Filed 7–3–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, LLC Independent Spent Fuel Storage Installation; Intent To Establish Local Public Document Room

Notice is hereby by given that the Nuclear Regulatory Commission (NRC) will be establishing a local public document room (LPDR) for records pertaining to the proposed independent spent fuel storage installation (ISFSI) to be built on the Skull Valley Goshute Indian Reservation in Utah once the application from Private Fuel Storage, Limited Liability Corporation (PFS) has been docketed. This notice invites public comment on possible LPDR locations that will be convenient to residents of the Skull Valley Goshute Reservation and surrounding Tooele County, as well as interested parties in Salt Lake City.

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;

Comment period expires July 25, 1997. Written comments may be submitted to Mr. David Meyer, Chief, Rules and Directives 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 30th 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. 97–17615 Filed 7–3–97; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

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

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on June 5, 1997 (62 FR 108). Individual authorities established or revoked under Schedules A and B and established under Schedule C between May 1, 1997, and May 31, 1997, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

Schedule A

The following Schedule A authority was established during May 1997:

Department of Defense

Asia-Pacific Center for Security Studies, Honolulu, Hawaii Dean of Academics, Director of College, Deputy Department Chairs, and senior positions of professor, associate professor, and research fellow within the Asia-Pacific Center. Appointments may be made not to exceed 3 years and may be extended for periods not to exceed 3 years. Effective May 28, 1997.

The following Schedule A authorities were revoked during May 1997:

Department of Justice

U.S. Marshall in the Virgin Islands. Effective May 5, 1997.

Positions at GS–15 and below on the staff of an Office of an independent counsel, that is established under 28 CFR part 600. No office may use this authority for more than 4 years to make appointments and position changes unless prior approval of OPM is obtained Effective May 5, 1997.

Small Business Administration

Positions of Community Economic-Industrial Planner, GS–7 through 12, when filled by local residents who represent the interests of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1997. Effective May 16, 1997.

Schedule B

The following Schedule B authority was established during May 1997:

Department of Labor

Bureau of International Labor Affairs. Positions in the Office of Foreign Relations, which are paid by outside funding sources under contracts for specific international labor market technical assistance projects. Appointments under this authority may not extend beyond the expiration date of the project. Effective May 28, 1997.

The following Schedule B authority was revoked during May 1997:

Department of Justice

Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service. Effective May 5, 1997.

Schedule C

The following Schedule C authorities were established during May 1997:

Department of Agriculture

Confidential Assistant to the Administrator, Rural Utilities Service. Effective May 9, 1997.

Department of Commerce

Confidential Assistant to the Assistant Secretary, Office of Vocational and Adult Education. Effective May 9, 1997.

Department of Defense

Staff Assistant to the Chief of Staff to the President. Effective May 7, 1997.

Special Assistant to the Deputy Under Secretary of Defense (Industrial Affairs and Installation). Effective May 14, 1997.

Protocol Specialist to the Special Assistant to the Secretary of Defense. Effective May 16, 1997.

Department of Education

Special Assistant to the Deputy Secretary, Office of the Deputy Secretary. Effective May 7, 1997.

Confidential Assistant to the Director, Office of Public Affairs. Effective May 14, 1997.

Special Assistant to the Assistant Secretary, Office for Civil Rights. Effective May 16, 1997.

Confidential Assistant to the Deputy Assistant Secretary for Regional Services. Effective May 16, 1997.

Confidential Assistant to the Assistant Secretary, Office of Elementary and Secondary Education. Effective May 16, 1997.

Confidential Assistant to the Assistant Secretary, Office of Vocational and Adult Education. Effective May 22, 1997.

Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education. Effective May 27, 1997.

Confidential Assistant to the Director, Office of Public Affairs. Effective May 29, 1997.

Director, Office of Corporate Liaison to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs. Effective May 30, 1997.

Department of Energy

Special Projects Liaison Specialist to the Director, Public Affairs. Effective May 21, 1997.

Department of Health and Human Services

Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services). Effective May 5, 1997.

Special Assistant to the Deputy Secretary. Effective May 7, 1997.

Senior Press Officer to the Health Care Financing Administration. Effective May 9, 1997.

Confidential Assistant to the Administrator, Health Care Financing Administration. Effective May 9, 1997.

Special Assistant to the Administrator, Health Care Financing Administration. Effective May 9, 1997.

Confidential Assistant (Advance) to the Director of Scheduling and Advance. Effective May 9, 1997.

Special Assistant to the Deputy Assistant Secretary for Public Affairs (Policy and Strategy). Effective May 9, 1997.

Department of Housing and Urban Development

Special Assistant to the Assistant Secretary for Policy Development and Research. Effective May 2, 1997.

Department of Justice

Deputy Assistant Attorney General to the Assistant Attorney General, Office of Policy Development. Effective May 2, 1997.

Senior Counsel to the Assistant Attorney General. Effective May 7, 1997.

Assistant to the Attorney General. Effective May 16, 1997.

Department of State

Policy Analyst to the Assistant Secretary, Oceans and International Environmental and Scientific Affairs. Effective May 9, 1997.

Senior Advisor to the Under Secretary for Management. Effective May 16, 1997.

Department of Transportation

Director for Scheduling and Advance to the Chief of Staff. Effective May 29, 1997.

Deputy Director, Executive Secretariat to the Director, Executive Secretariat. Effective May 29, 1997.

Department of the Treasury

Enforcement Policy Advisor to the Director, Office of Policy Development (Senior Advisor to the Assistant Secretary (Enforcement)). Effective May 7, 1997.

Special Assistant to the Deputy Secretary of the Treasury. Effective May 7, 1997.

Enforcement Policy Advisor to the Director, Office of Policy Development/ (Senior Advisor to the Assistant Secretary (Enforcement)). Effective May 7, 1997.

Environmental Protection Agency

Staff Assistant to the Deputy Associate Administrator. Effective May 14, 1997.

Assistant to the Deputy Administrator for External Affairs. Effective May 16, 1997.

Federal Mine Safety and Health Review Commission

Attorney-Advisor to the Commissioner, Office of the Commissioner. Effective May 22, 1997.

National Aeronautics and Space Administration

Director for Enterprise Liaison to the Associate Administrator for Aeronautics and Space Transport Technology. Effective May 30, 1997.

National Transportation Safety Board

Public and Family Affairs Specialist to the Director, Office of Government, Public, and Family Affairs. Effective May 2, 1997.

Director, Office of Governmental Affairs to the Director, Office of Government, Public, and Family Affairs. Effective May 29, 1997.

Office of National Drug Control Policy

Executive Assistant to the Deputy Director, Office of National Drug Control Policy. Effective May 29, 1997.

Office of Personnel Management

Legislative Assistant to the Director, Office of Congressional Relations. Effective May 23, 1997.

White House Liaison to the Deputy Chief of Staff. Effective May 28, 1997.

Office of Science and Technology Policy

Chief of Staff to the Director, Office of Science and Technology Policy. Effective May 9, 1997.

Small Business Administration

Director of Communications to the Assistant Administrator of Communications. Effective May 30, 1997.

United States Information Agency

Confidential Assistant to the Director, Office of Cuba Broadcasting. Effective May 7, 1997.

Confidential Assistant to the Director, United States Information Agency. Effective May 9, 1997.

Senior Coordinator for Public Diplomacy Programs to the Associate Director, Bureau of Information. Effective May 30, 1997.

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

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 97–17520 Filed 7–3–97; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–10207]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Alaris Medical, Inc., Common Stock, $.01 Par Value)

June 30, 1997.

Alaris Medical, 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 American Stock Exchange, Inc. (''Amex'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Board of Directors (the ''Committee'') unanimously approved a resolution on February 27, 1997 to withdraw the Company's Security from listing on the Amex and, instead, to list such Security on the National Association of Securities Dealers Automated Quotation National Market System (''Nasdaq/NMS''). The Company's Security began trading on Nasdaq/NMS on June 10, 1997. In making the decision to withdraw the Security from listing on the Amex, the Company has informed the Commission that it has considered the direct and indirect costs and expenses associated with maintaining dual listings. The Company does not see any particular advantage in the dual trading of its Security.

The Company has complied with the Rules of the Amex by notifying the Amex of its intention to withdraw its Common Stock from listing on the Exchange by letter dated May 27, 1997. The Amex has informed the Company, by letter dated June 3, 1997, that it has no objection to the withdrawal of the Security from listing on the Amex.

Any interested person may, on or before July 22, 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. 97–17538 Filed 7–3–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22729; 812–10486]

Nations Fund Trust, et al.; Notice of Application

June 27, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

Applicants: Nations Fund Trust (''NFT''), Nations Fund, Inc. (''NFI''), Nations Fund Portfolios, Inc. (''NFPI''), Nations Institutional Reserves (''NIR''—formerly, The Capitol Mutual Funds), each open-end management investment company or series thereunder, that currently is, or in the future becomes, part of the same ''group of investment companies,'' as defined in rule 11a–3 under the Act, any other registered investment companies or series thereof that are now or in the future advised by NationsBanc Advisors, Inc. (''NBAI'') (collectively, ''Nations Fund Family''), and NBAI.

Relevant Act Sections: Order requested under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B), under sections 6(c) and 17(b) for an exemption from section 17(a), and under section 17(d) and rule 17d–1 thereunder permitting certain joint transactions.

Summary of Application: Applicants request an order that would permit certain investment companies to purchase shares of affiliated money market funds in excess of the limits prescribed in section 12(d)(1).

Filing Dates: The application was filed on January 10, 1997, and amended on April 15, 1997, and June 26, 1997.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 22, 1997 and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, One NationsBank Plaza, 101 South Tryon Street, Charlotte, North Carolina 28255.

FOR FURTHER INFORMATION CONTACT:

Joseph B. McDonald, Jr., Senior Counsel, at (202) 942–0533, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. NFT and NIR are Massachusetts business trusts registered under the Act as open-end management investment companies. NFI and NFPI are Maryland corporations registered under the Act as open-end management investment companies. The Nations Fund Family presently consists of 50 distinct investment portfolios.

2. NFT currently consists of 35 separate series or investment portfolios, two of which hold themselves out as money market funds that seek to maintain a constant net asset value (''NAV''), and are subject to the requirements of rule 2a–7 under the Act, and 33 of which have per share NAVs that fluctuate from day to day. NFI currently consists of eight separate series or investment portfolios, two of which hold themselves out as money market funds and six of which have fluctuating per share NAVs. NFPI currently consists of three separate series or investment portfolios, all of which have fluctuating per share NAVs. NIR currently consists of four separate series or investment portfolios, all of which hold themselves out as money market funds. Additional series of NFT, NFI, NFPI, and NIR may be added in the future.

3. Each existing and any future money market portfolio of NFT, NFI, NFPI, NIR and any other investment companies advised now or in the future by NBAI are referred to herein individually as a ''Money Market Fund'' and collectively as the ''Money Market Funds.'' Each existing and any future variable NAV portfolio of NFT, NFI, NFPI, and any other investment companies advised now or in the future by NBAI are referred to herein individually as a ''Non-Money Market Fund'' and collectively as the ''Non-Money Market Funds.'' The Money Market Funds and the Non-Money Market Funds are

referred to herein collectively as the ''Funds.'' [1]

4. NBAI is the investment adviser for each series of the Nations Fund Family. NBAI is a wholly-owned subsidiary of NationsBank, N.A. (''NationsBank''), which in turn is a wholly-owned indirect subsidiary of NationsBank Corporation (''NBC''), a publicly held bank holding company. TradeStreet Investment Associates, Inc. (''TSIA''), also a wholly-owned subsidiary of NationsBank, serves as the investment sub-adviser for all but one of the series of NFT, NFI, and NIR. Gartmore Global Partners (''GGP''), a joint venture owned equally by a wholly-owned subsidiary of NationsBank and an indirect wholly-owned subsidiary of Gartmore Investment Management plc, a company organized under the laws of the United Kingdom, serves as the investment subadviser to each series of NFPI and one series of NFI. NBAI, TSIA, GGP, and any future investment sub-adviser to any Fund are referred to herein collectively as the ''Investment Advisers.''

5. NationsBank of Texas, N.A. (''NBT''), a wholly-owned indirect subsidiary of NBC, serves as custodian for the assets of all but four series of the Nations Fund Family. The Bank of New York (''BONY''), which is not affiliated with NationsBank or its affiliates, serves as the sub-custodian for the assets of all but four series of the Nations Fund Family, and serves as the direct custodian for the assets of those four series. NBT and BONY, in their respective capacities as custodian and sub-custodian, are referred to herein collectively as the ''Custodian.'' Stephens Inc., a registered broker-dealer that is not affiliated with NationsBank or its affiliates, serves as the Funds' sponsor, distributor, and administrator. First Data Investor Services Group, Inc., which is not affiliated with NationsBank or its affiliates, serves as the co-administrator and the transfer agent for the Funds.

6. The Non-Money Market Funds invest in a variety of debt and/or equity securities in accordance with their respective investment objectives and policies. The Money Market Funds seek current income, liquidity, and capital preservation by investing exclusively in short-term money market instruments such as U.S. Government securities, bank obligations, commercial paper, municipal obligations, or repurchase agreements. Each of the Funds has, or may be expected to have, Cash Balances (as defined below) in an account at the Custodian, which either may be invested directly in individual short-term money market instruments, or may not otherwise be invested in any portfolio securities.

7. Certain of the Funds may participate in a securities lending program (the ''Securities Lending Program''), under which they may lend portfolio securities to registered broker-dealers or other institutional investors deemed by the respective Fund's Investment Adviser to be of good standing (''Borrowers''). These loans may not exceed one-third of a Fund's total assets taken at market value (or such other percentage as may be permissible in the future under applicable rules or SEC staff positions). The Funds have selected BONY, which is not affiliated with NationsBank or its affiliates, as their securities lending agent. The agreements governing such loans require that the loans be continuously secured by collateral equal at all times in value to at least the market value of the securities loaned. Collateral for such loans may include cash, shares of money market mutual funds, U.S. Government or agency securities, repurchase agreements, or an irrevocable letter of credit issued by a bank meeting certain qualifications. Any investment of cash collateral will comply with all present and future applicable SEC staff positions regarding securities lending arrangements.

8. Applicants request an order that would permit: (a) each of the Funds to utilize its cash reserves that have not been invested in portfolio securities (''Uninvested Cash'') to purchase shares of one or more of the Money Market Funds (such Funds, including Money Market Funds, that purchase shares of the Money Market Funds are referred to herein collectively as the ''Investing Funds''); (b) each of the Investing Funds to utilize cash collateral received from Borrowers in connection with the Investing Fund's securities lending activities (''Cash Collateral'') to purchase shares of one or more of the Money Market Funds; and (c) the Money Market Funds to sell their shares to, and to purchase (or redeem) such shares from, the Investing Funds. Uninvested Cash and Cash Collateral are referred to herein collectively as ''Cash Balances.'' By investing Cash Balances in the Money Market Funds as proposed, applicants believe that the Investing Funds will be able to reduce their transaction costs, create more liquidity, enjoy greater returns, and further diversify their holdings.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(J) of the Act provides that the SEC may exempt any person, security or transaction (or classes thereof) from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors.

3. Applicants' proposal would permit the Investing Funds to use Cash Balances to acquire shares of a Money Market Fund in excess of the percentage limitations set out in section 12(d)(1)(A), provided, however, that each Investing Fund's aggregate investment of Uninvested Cash in shares of such Money Market Fund shall not exceed 25% of the Investing Fund's total assets. Applicants' proposal also would permit the Money Market Funds to sell their securities to an Investing Fund in excess of the percentage limitations set out in section 12(d)(1)(B). Applicants represent that no Money Market Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

4. The restrictions in section 12(d)(1) were intended to prevent certain abuses perceived to be associated with the pyramiding of investment companies, including: (a) undue influence by the fund holding company over its underlying funds; (b) the threat of large scale redemptions of the securities of the underlying investment companies; (c) unnecessary duplication of costs, *e..g.*, sales loads, advisory fees, and administrative costs; and (d) unnecessary complexity. For the following reasons, applicants believe that the proposed arrangement does not entail the type of abuse that Congress adopted section 12(d) to prevent.

[1] All investment companies advised by NBAI that currently intend to rely on the requested order are named as applicants.

5. Applicants represent that the proposed arrangement would not result in the inappropriate layering of either sales charges or investment advisory fees.[2] Shares of the Money Market Funds sold to and redeemed by the Investing Funds will not be subject to a sales load, redemption fee, distribution fee, or service fee. In connection with approving any advisory contract, the Investing Fund's board of trustees, including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, will consider to what extent the advisory fees charged to the Investing Fund by the Investment adviser should be reduced to account for the reduced services provided to the Fund as a result of Uninvested Cash being invested in the Money Market Fund.

6. Section 17 (a)(1) and (2) make it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from such investment company. Because NFT, NFI, NFPI, and NIR have common boards of trustees, each series of NFT, NFI, NFPI and NIR may be deemed to be under common control with each of the other. In light of their common boards of trustees, each series of NFT, NFI, NFPI, and NIR might be deemed to be an ''affiliated person,'' as defined in section 2(a)(3) of the Act, of each of the other series. Accordingly, the sale of shares of the Money Market Funds to the Investing Funds, and the redemption of such shares by the Investing Funds, would be prohibited under section 17(a).

7. Section 6(c) of the Act provides that the SEC may exempt persons or transactions from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

8. Section 17(b) authorizes the SEC to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each investment company concerned, and the proposed transaction is consistent with the general purposes of the Act. Applicants request an exemption under sections 6(c) and 17(b) to permit each of the Investing Funds to purchase and redeem shares of the Money Market Funds, and the Money Market Funds to sell their shares to, and to redeem such shares from, each of the Funds.[3]

9. The Investing Funds will retain their ability to invest Cash Balances directly in money market instruments as authorized by their respective investment objectives and policies, if they believe they can obtain a higher return, or for any other reason. Each of the Money Market Funds has the right to discontinue selling shares to any of the Investing Funds if its board of trustees determines that such sales would adversely affect its portfolio management and operations. Therefore, applicants believe that the proposal satisfies the standards for relief in sections 6(c) and 17(b).

10. Section 17(d) and rule 17d–1 prohibit an affiliated person of an investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates. Each Investing Fund, by purchasing shares of the Money Market Funds, each Investment Adviser of an Investing Fund, by managing the assets of the Investing Funds invested in the Money Market Funds, and each Money Market Fund, by selling shares to the Investing Funds, could be deemed to be participants in a joint enterprise or other joint arrangement within the meaning of section 17(d) and rule 17d–1.

11. In passing upon applications submitted pursuant to section 17(d) and rule 17d–1, the SEC will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants believe that the proposal satisfies these standards.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed by the Investing Funds will not be subject to a sales load, redemption fee, distribution fee under a plan adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the NASD Conduct Rules).

2. Before the next meeting of the board of trustees of an Investing Fund is held for the purpose of voting on an advisory contract under section 15 of the Act, the Investment Adviser to the Investing Fund will provide the board of trustees with specific information regarding the approximate cost to the Investment Adviser of, or portion of the advisory fee under the existing advisory fee attributable to, managing the Uninvested Cash of the Investing Fund that can be expected to be invested in the Money Market Fund. In connection with approving any advisory contract for an Investing Fund, the board of trustees of the Investing Fund, including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, shall consider to what extent, if any, the advisory fees charged to the Investing Fund by the Investment Adviser should be reduced to account for reduced services provided to the Fund by the Investment Adviser as a result of Uninvested Cash being invested in the Money Market Fund. The minute books of the Investing Fund will record fully the Board's consideration in approving the advisory contract, including the considerations referred to above.

3. Each Investing Fund will invest Uninvested Cash in, and hold shares of, the Money Market Funds only to the extent that the Investing Fund's aggregate investment in the Money Market Funds does not exceed 25 percent of the Investing Fund's total assets.

4. Investment of Cash Balances in shares of the Money Market Funds will be in accordance with each Investing Fund's respective investment restrictions, if any, and will be consistent with each Investing Fund's policies as set forth in its prospectuses and statements of additional information.

5. Each Investing Fund, each Money Market Fund, and any future fund that may rely on the order shall be advised by the Investment Adviser, or a person controlling, controlled by, or under common control with the Investment Adviser.

[2] Applicants do not believe that the custodian fees paid to NBT as Custodian or administrative or transfer agency fees which may be paid to other affiliates of NBAI will result in a significant layering of fees. The services for which such fees are paid must be performed separately at both the Investing Fund and the Money Market Fund levels in all events, and significant economies in the cost of performing these functions are not expected to be realized as a result of investments by Investing economies in the cost of performing these functions are not expected to be realized as a result of investments by Investing Funds in the Money Market Funds.

[3] Section 17(b) applies to a specific proposed transaction rather than an ongoing series of future transactions. *See Keystone Custodian Funds,* 21 S.E.C. 295, 298–99 (1945). Section 6(c), along with section 17(b), frequently are used to grant relief from section 17(a) to permit an ongoing series of future transactions.

6. No Money Market Fund shall acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

7. Before a Fund may participate in the Securities Lending Program, a majority of the trustees (including a majority of the independent trustees) of the Fund will approve the Fund's participation in the Securities Lending Program. Such trustees also will evaluate the securities lending arrangement and its results no less frequently than annually and determine that any investment of Cash Collateral in the Money Market Funds is in the best interest of the shareholders of the Fund.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17577 Filed 7–3–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26735]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

June 27, 1997.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by July 21, 1997, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Consolidated Natural Gas Company, et al. (70–8577) (70–8577)

Consolidated Natural Gas Company (''CNG''), a registered holding company located at CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222–3199, and its wholly-owned nonutility subsidiary companies, CNG Energy Services Corporation (''Energy Services'') and CNG Products and Services, Inc., (''Products and Services''),[1] located respectively at One Park Ridge Center, Pittsburgh, Pennsylvania 15244–0746 and CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222–3199 (collectively ''Applicants''), have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 43, 45 and 54 thereunder seeking a supplemental order pertaining to the provision of certain energy-related services and related loan financing. A notice of the filing of the initial application-declaration was issued by the Commission on July 21, 1995 (Holding Co. Act Release No. 26337) and an initial order was issued on August 28, 1995 (Holding Co. Act Release No. 26363).

The initial order authorized Products and Services to provide customers with ten categories of energy-related services (collectively, ''Original Customer Services'').[2] It also authorized CNG to provide Products and Services with up to $10 million in related revolving loan financing through December 31, 2000. Applicants now seek a supplemental order authorizing additional categories of energy-related services and allowing Products and Services to provide financing to customers[3] in connection with the sale and installation of certain energy-related equipment (collectively, ''New Customer Services'').

The proposed New Customer Services would consist of the following: (1) *Energy-Related Equipment*—Products and Services would sell and install (a) energy-related appliances such as furnaces, air conditioners, hot water heaters, heat pumps, gas grills, gas lights, gas logs and related fireplace equipment, natural gas vehicle (''NGV'') conversion equipment (to convert a non-gas powered vehicle to ''dual-fuel'' capability) and the NGV refueling equipment necessary to allow customers to refuel their NGVs at home, and other similar appliances, and (b) energy-related products that enhance safety, increase energy efficiency, or provide energy-related information, such as home security systems (including carbon monoxide, smoke and fire detectors, and fire extinguishers), energy consumption monitoring devices (including software programs), demand side management devices to increase energy efficiency or reduce energy consumption, and other similar products. (2) *Energy-Related Safety Inspection and Repair Services*—Products and Services would offer residential and commercial customers a safety inspection and repair service to detect and correct problems such as carbon monoxide leaks, and faulty equipment wiring. (3) *Energy-Related Electronic Measurement Services*—Products and Services would offer

[1] CNG incorporated CNG Special Products and Services, Inc., in 1995, as a wholly-owned non-utility subsidiary of its CNG Energy Services Corporation subsidiary. The name was changed in late 1995 to CNG Products and Services, Inc. Products and Services provides energy-related, customer-convenience type services to customers of the local distribution companies in the CNG System and to others, primarily customers of non-affiliated utilities. The ''CNG System'' consists of CNG and its wholly-owned utility and non-utility subsidiaries.

[2] The specific customer services approved by the initial order were as follows: (1) ''Service Line Maintenance Program'' (repair of service lines owned by and located on customers' property, in exchange for a nominal monthly fee); (2) ''Appliance Guard'' (an extended service warranty covering the cost of repairing customers' appliances); (3) ''Payment Power'' (bill payment protection, up to $400 a month for six months); (4) ''Routine Furnace Services'' (routine furnace inspection and repair); (5) ''One-Package Appliance Inspection and Replacement'' (annual inspection, maintenance or replacement of any appliance, including hot water heaters); (6) ''Community Bill Payment Center'' (a centralized bill payment center for ''one stop'' payment of all utility and municipal bills); (7) ''Energy Audits and Services'' (energy audits for institutional customers together with a turn-key service package); (8) ''Propane Services'' (in areas where it is not economical for local distribution companies to extend natural gas service via underground pipelines); (9) ''Gas Fired Electric Generators'' (installation of temporary or permanent gas-fired turbines for on-site generation and consumption of electricity); and (10) ''Pipeline Maintenance, Construction and Managerial Support Services for Others'' (management, construction and required maintenance for pipelines owned by non-affiliated utilities and provision of consulting services to small non-affiliated utilities).

[3] As in the initial order, the term ''customers'' refers to both customers of CNG's local distribution companies (''LDCs'') and others, primarily customers of utilities not affiliated with CNG. CNG has five wholly-owned LDCs: (1) The East Ohio Gas Company, serving approximately 1,081,000 customers primarily in northeastern Ohio; (2) The People's Natural Gas Company, serving approximately 332,000 customers in southwestern Pennsylvania; (3) Virginia Natural Gas, Inc., serving approximately 184,000 customers in southeastern Virginia; (4) Hope Gas, Inc., serving approximately 111,000 customers in central and northern West Virginia; and (5) West Ohio Gas Company, serving approximately 60,000 customers in a region in western Ohio centered around Lima.

residential, commercial and industrial customers a variety of enhanced measurement and billing services (such as, in the case of residential consumers, the ability to use a home phone or computer to determine what their energy bill is at any point during the month, or, in the case of large commercial consumers, the ability to continuously monitor energy consumption, prices and fuel-switching opportunities) that will enable them to better monitor and control their energy consumption and expenditures. (4) *Energy-Related Marketing and Consulting Services*—Products and Services would offer marketing services to non-affiliated businesses by providing non-affiliated LDCs and other third parties with bill insert and automated meter reading services as well as other consulting services such as advice in how to set up a billing mechanism or marketing program.[4] (5) *Risk Management Products for Gas Customers*—A variety of financial instruments may be made available to gas customers interested in hedging energy price or consumption fluctuations under existing contracts. These instruments will not be used for speculative purposes. (6) *Expanded Service Line Maintenance Program*—Products and Services proposes to expand the scope of the Service Line Maintenance Program approved in the initial order to cover any type of energy-related service line (wire or pipe) owned by the customer. In exchange for a nominal monthly fee, Products and Services would agree to pay for any needed repairs to customers' lines.[5] Applicants state that Products and Services does not, and will not as a result of this expanded maintenance program, own or operate any facilities or utility assets as defined in sections 2(a)(3), 2(a)(4) or 2(a)(18) of the Act. (7) *Customer Financing*—Applicants seek authorization for Products and Services to offer its own or to broker non-associate third-party financing to commercial, industrial and residential customers (''Customer Financing'') to facilitate purchases by its customers of goods and services included within the Energy-Related Equipment category of New Customer Services. Customer Financing also would be available for purchases by CNG's gas utility customers of Energy-Related Equipment where the customer is not otherwise purchasing goods and services promoted by Products and Services. Customer Financing would take the form of direct loans, installment purchase arrangements and loan guarantees. (8) *Incidental Products and Services*—Applicants seek authorization to provide certain incidental products and services related to the seven categories of New Customer Services listed above and the ten categories of Original Customer Services authorized in the initial order (''Incidental Products and Services''). The proposed Incidental Products and Services would be closely related to the consumption of energy and/or the maintenance of property by customers. The need for such products and services would arise as a result of, or evolve out of, and would not differ materially from, the Original Customer Services and/or New Customer Services described above.[6] (The Original Customer Services and the proposed New Customer Services, are hereafter collectively referred to as ''Customer Services.'')

Products and Services conducts or will conduct its Customer Services business both within and outside of the four states of Virginia, West Virginia, Pennsylvania and Ohio where the CNG System LDCs are located (collectively, ''LDC States''). However, applicants state that during the twelve-month period beginning on the first day of the Month following the date on which Products and Services commences its New Customer Services business pursuant to a supplemental order issued by the Commission in this matter, and for each subsequent calendar year thereafter, total Customer Services revenues of Products and Services derived from customers in the LDC States will exceed total Customer Service revenues of Products and Services derived from customers in all other states.

Applicants state that CNG's LDCs will assist Products and Services with customer billing, accounting, and other energy-related services and anticipate that these services can be provided to Products and Services by the current staff at the LDCs. They state that all services required to conduct the Customer Services and Incidental products and Services businesses that are provided to Products and Services by the LDCs or any other CNG System company will be billed at cost in accordance with section 13(b) of the Act and rules 87, 90 and 91 thereunder.

Public Service Company of Oklahoma (70–9055)

Public Service Company of Oklahoma (''PSOK''), 212 East 6th Street, Tulsa, Oklahoma, 74119–1212, a wholly-owned electric utility subsidiary of Central and South West Corporation (''CSW''), a registered holding company, has filed an application under sections 9(a) and 10 of the Act and rule 54 thereunder seeking authorization to acquire up to 712,000 total shares (up to 4.9% of the voting shares) of Scientech, Inc. (''Scientech''), a privately owned Idaho corporation that provides utility related services (and some ancillary and minor products such as replacement parts and components for commercial nuclear facilities) to the nuclear utility industry (''utility services business'') and certain United States Government agencies (''government agency services business'').[7]

Scientech's utility services business is aimed at electric utilities, which are restructuring and outsourcing in an increasingly competitive environment. Scientech provides services (including engineering and other services), systems (including security systems), and instruments, which describe, regulate, monitor and enhance the safety and reliability of plant operations and their environmental impacts (collectively, ''risk and reliability services'').[8] Nearly 40% of Scientech's utility services business involves the analysis and evaluation of operational safety and risk using proprietary software. Approximately 20% of Scientech's utility services business is associated with engineering and operational support activities involving nuclear materials and facilities, design and

[4] Applicants state that this category of New Customer Services expands on the ''Pipeline Maintenance, Construction and Managerial Support Services for Others,'' category of Original Customer Services approved by the initial order.

[5] Applicants believe that customers will find it more convenient and cost effective to pay one monthly fee to Products and Services instead of separate monthly fees to a variety of utilities (gas, electric, telephone, cable, water, etc.).

[6] Applicants state that the Proposed Incidental Products and Services would not involve the manufacture of energy-consuming equipment but could be related to, among other things, the maintenance, financing, sale or installation of such equipment.

[7] Scientech has four wholly-owned subsidiaries, three majority owned subsidiaries and one minority owned subsidiary. The wholly-owned subsidiaries are UNC Analytical Services, Inc. (d/b/a Belfort Engineering and Environmental Services, Inc.), Grant Environmental, Inc., NUS Information Services, Inc., and NUS Instruments, Inc. The majority owned subsidiaries are SRVNet, Inc., Technology Applications, Inc., and SCIENTECH de Venezuela, Inc. The minority owned subsidiary is SEMTECH, Inc.

[8] Scientech also provides risk and reliability services internationally. These services, which totaled approximately $1.3 million for the fiscal year ended January 31, 1997, are currently being provided to the governments of and/or utilities in Canada, Japan, Korea, and former Soviet Block countries. Approximately 75% of these services are being funded under contract with the Department of Energy and the Nuclear Regulatory Commission. Most of the remaining work is performed under direct contract with Japanese and Canadian utilities.

installation of microwave transmission systems, and training and simulator instruction for nuclear power plants. Approximately 10% of Scientech's utility services business is involved with the design and installation of enhanced physical security systems, and another 10% involves support services related to environmental compliance and cleanup. Information management and other network services account for 15% of Scientech's utility services business, and the other 5% involves software sales, including software used to support power plant operations.

Under contracts with the Department of Energy relating to the nuclear industry, Scientech provides government agency services to the Department of Defense and the Nuclear Regulatory Commission. Scientech's government agency services business principally involves the design and installation of enhanced physical security systems and work requiring skills in safety analysis and assessment, knowledge of secure handling of nuclear materials, technical review, technical policymaking, and technical policy implementation.

A majority of Scientech's $53 million in actual revenues for its fiscal year ended January 31, 1997 came from its government agency services business. However, Scientech has adopted a strategy of reducing its reliance on government contracts an applying its expertise to capture a greater share of the utility services market. In September 1996, Scientech purchased the business and a portion of the assets (primarily customer accounts receivable and other current assets relating to utility services customers) of Halliburton NUS, a nuclear utility services provider. On a *pro forma* basis, including the Halliburton NUS acquisition, Scientech's utility services and government contracts businesses would have each accounted for approximately 48% of total of total revenues of approximately $70 million.

Scientech also applies some of its expertise to applications outside of government agencies and the utility industry. It has sold environmental services to mining operations, internet services to non-utilities and risk and reliability services to the industrial sector. These services totalled approximately $2 million for the fiscal year ended January 31, 1997, which was approximately 3% of Scientech's total revenue. Based on Scientech's present business strategy and its view of optimum growth opportunities, it is anticipated that Scientech will continue to provide the same or similar types of products and services to non-utility and non-government customers and the percentage of Scientech's total revenue from sales of products and services to such customers will not materially increase.

Scientech's through its subsidiary, NUS Information Services, Inc., has performed a small amount of work at the South Texas Project (''STP''), a nuclear generating facility partially owned by a CSW electric utility subsidiary, Central Power and Light Company. Currently, STP is subscribing to four informational database services provided by NUS Information Services, Inc. It also has an open work order for database maintenance. No other services are presently being provided by Scientech or its subsidiaries to the CSW system.[9] After consummation of PSOK's proposed investment in Scientech, Scientech and/or its subsidiaries may provide additional services or products to the CSW system, although no such services or products have been identified at this time.[10]

PSOK has entered into a Stock Purchase Agreement, dated June 2, 1997, between Dr. Lawrence J. Ybarrondo, Chairman of the Board of Directors and founder of Scientech (and certain related trusts and family members) (collectively, the ''Sellers'') and PSOK.[11] Pursuant to the Stock Purchase Agreement, and subject to certain conditions including receipt of an order from the Commission approving this application, PSOK shall purchase from the Sellers, at a purchase price of $6.00 per share, or an aggregate purchase price of $3,036,000, an aggregate of 506,000 shares of Scientech common stock (representing approximately 25% of the total outstanding capital stock of Scientech), consisting of 70,000 shares of Class A Voting Common Stock (''Class A Stock'') and 436,000 shares of Class B Nonvoting Common Stock (''Class B Stock'').[12] The 70,000 shares of Class A Stock represent 4.5% of the Class A Stock to be outstanding immediately following consummation of PSOK's proposed investment in Scientech and the 436,000 shares of Class B Stock represent 100% of the Class B Stock to be outstanding immediately following consummation of PSOK's proposed investment.

The Stock Purchase Agreement also grants, subject to receipt of the Commission approval sought in this application, an option for PSOK to purchase from Sellers an additional 206,000 shares of Class B Stock, not later than September 2, 1998, at a purchase price per share of $9.00 (''Option Shares''). Purchase of these additional shares would give PSOK ownership of approximately 34% of the total outstanding capital stock of Scientech. The acquisition of all shares, including any Option Shares, will be funded by PSOK out of internally generated funds.

Each holder of Class B Stock has the right, at any time, at the option of the holder and without payment of any further consideration, to exchange each share of Class B Nonvoting Stock into one share of fully paid Class A Voting Stock.[13] However, Applicant states that PSOK will not take any action that would cause PSOK to own or control, and PSOK will not own or control, more tan 4.9% of the voting stock of Scientech at any one time.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17541 Filed 7–2–97; 8:45 am]

BILLING CODE 8010–01–M

[9] The CSW system is comprised of CSW and its utility and non-utility subsidiaries. The four utility subsidiaries of the CSW system are Central Power & Light Company, PSOK, Southwestern Electric Power Company and West Texas Utilities Company.

[10] Applicant contends that Commission authorization under section 13(b) of the Act is not required for Scientech and/or its subsidiaries to provide services to the CSW system because, as discussed below, PSOK will never own more than 4.9% of the voting stock of Scientech and, consequently, Scientech will be neither an affiliate nor a subsidiary company as defined in the Act.

[11] Sellers and PSOK have also entered into an Escrow Agreement, Shareholders Agreement and Registration Rights Agreement, all dated June 2, 1997.

[12] Each share of Class A Stock entitles its holder to one vote on any matter coming before the Scientech shareholders for a vote. The holders of Class B Stock are not entitled to vote on any matter coming before the shareholders, except that no amendment to Scientech's Articles of Incorporation may be effected without the affirmative vote of holders of a majority of the outstanding shares of Class B Stock.

[13] Holders of Class A Stock have a corresponding right to convert their Class A shares into Class B shares.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–11342]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Servico, Inc., Common Stock, $.01 Par Value)

June 30, 1997.

Servico, 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 American Stock Exchange, Inc. (''Amex'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company's Security is listed in the New York Stock Exchange (''NYSE'') effective June 18, 1997.

In making the decision to withdraw its Security from listing on the Amex, the Company considered the direct and indirect cost expense attended to maintaining the dual listing of its Security on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its security and believes that dual listing would fragment the market for its security.

The Company has complied with Rule 18 of the Amex by filing with that Exchange a certified copy of preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Security from the listing on the Amex and by setting forth in detail to the Exchange the reasons for such proposed withdrawal, and the facts in support thereof. The Amex notified the Company, by letter dated June 13, 1997 that it would not object to the Company's application to delist its Security.

Any interested person may, on or before July 22, 1997, submit 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. 97–17537 Filed 7–3–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38779; File No. SR–Phlx–97–27]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Trade in Sixteenths

June 26, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 11, 1997 the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization (''SRO''). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to permit Phlx equity securities to be traded in sixteenths. The text of the proposed rule change is as follows (deleted text is bracketed):

Rule 125 Variations in Bids and Offers

Bids or offers shall [not] be made at a [less] variation [than ⅛ of one dollar in stocks, and ⅛ of 1 percent of the principal amount of bonds, except as specifically] authorized by the Committee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Rule 125 states that bids or offers shall not be made at a less variation than ⅛ of one dollar in stocks, and ⅛ of 1 percent of the principal amount of bonds, except as specifically authorized by the Committee. In 1995, the Floor Procedure Committee authorized that Phlx equity securities up to $10 that are listed on the American Stock Exchange, Inc. (''Amex'') be permitted to trade in sixteenths. Recently, the Amex received Commission approval to implement a minimum fractional change of 1/16 for equity securities trading at or above $0.25.[2] As a result, Amex-listed securities became eligible to trade in sixteenths through the Intermarket Trading System (''ITS''). Last month, following Floor Procedure Committee approval on May 6, 1997, the Exchange began trading Amex-listed issues trading at or above $0.25 in sixteenths.

In response to recent industry events, the Exchange has determined that the trading increment applicable to equity securities be changed from ⅛ to 1/16, upon implementation of certain system changes by the Intermarket Trading System (''ITS'') to accommodate trading in sixteenths.[3] Currently, Rule 125 provides that bids or offers shall not be made at a less variation than ⅛ of one dollar in stocks, and ⅛ of 1 percent of the principal amount of bonds, except as specifically authorized by the Committee. Thus, the Exchange proposes to delete the reference to ⅛ and, rather than replacing it with a particular increment, emphasize the discretion of the Committee to modify trading increments.[4]

The purpose of this proposal is to extend the benefits of trading in a narrower increment to Phlx securities. This should promote more accurate

[2] Securities Exchange Act Release No. 38571 (May 5, 1997), 62 FR 25682 (May 9, 1997) (approving File No. SR–Amex–97–14).

[3] The Commission notes that these changes to ITS were implemented on June 24, 1997.

[4] Nevertheless, the Commission notes that any further change in the minimum increments constitutes (1) a change in a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Phlx, or (2) a change in an existing order-entry or trading system of an SRO, or (3) both. Therefore, the Exchange is still obligated to file such proposed changes with the Commission. These changes, however, may become effective upon filing if they meet certain statutory requirements. *See* 15 U.S.C. 78s(b)(3)(A)(i) and 17 CFR 240.19b–4(e).

pricing of securities and tighter quotations.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6[5] of the Act in general and, in particular, with Section 6(b)(5),[6] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system by adopting a narrower minimum fractional change in Phlx equity securities in a gradual, orderly fashion. The Exchange also believes the proposal is consistent with Section 11A of the Act because it is designed to promote competition among the exchanges and market makers.[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a change in a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Phlx and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and subparagraph (e) of Rule 19b–4 thereunder.[9]

At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–97–27 and should be submitted by July 28, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17540 Filed 7–3–97; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78f(b).

[6] *Id.* § 78f(b)(5).

[7] *Id.* § 78k–1.

[8] *Id.* § 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice number 2564]

International Joint Commission; Boundary Waters Treaty of 1909

Receipt of a Reference on means to reduce, mitigate and prevent harm from future flooding in the Red River basin.

The Governments of Canada and the United States of America have asked the International Joint Commission, pursuant to Article IX of the Boundary Waters Treaty of 1909, and in consideration of the devastation of the flood of 1997, to examine and report on the causes and effects of damaging floods in the Red River basin, and to make recommendations on means to reduce, mitigate and prevent harm from future flooding in the Red River basin.

The Commission invites interested persons to provide it with information about the nature of their interest in this matter and will provide them with an opportunity to be heard in the course of its inquiry.

The text of the request from the governments is available at the Commission's internet website at: http//www.ijc.org(.)

For further information or clarification, please contact one of the Commission's Secretaries:

Murray Clamen, Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, ON K1P 5M1, Telephone (613) 995–2984, Fax (613) 993–5583, Email clamenm(@)ijc.achilles.net

Kathy Prosser, Secretary, United States Section, International Joint Commission, 1250 23rd Street NW, Suite 100, Washington, DC 20440, Telephone (202) 736–9000, Fax (202) 736–9015, Email chandlerj(@)ijc.achilles.net

Dated: June 24, 1997.

Kathy Prosser,

Secretary, United States Section.

[FR Doc. 97–17643 Filed 7–3–97; 8:45 am]

BILLING CODE 4710–14–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week Ending June 27, 1997

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–97–2655

Date Filed: 6/26/97

Parties: Members of the International Air Transport Association

Subject:

1. PTC2 ME 0010 dated June 20, 1997 r–1, PTC2 ME 0011 dated June 20, 1997 r2013. Within Middle East Expedited Resolutions
2. PTC2 EUR–ME 0022 dated June 20, 1997 r14–22, PTC2 EUR–ME 0023 dated June 20, 1997 r23. Europe-Middle East Expedited Resolutions. Intended effective date: as early as July 15, 1997

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 97–17542 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Notice of Application for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 27, 1997

The following Applications for Certificate of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–97–2645.

Date Filed: 6/23/97.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 21, 1997.

Description

Application of Eva Airways Corporation, pursuant to 49 U.S.C. Section 41302 and Subpart Q of the Regulations, applies for an amendment to its foreign air carrier permit to engage in scheduled and charter foreign air transportation of persons, property and mail pursuant to the Open Skies Air Transport Agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office, to which the parties agreed ad referendum on February 28, 1997. EVA seeks authority to: (1) Engage in scheduled foreign air transportation of persons, property and mail from points behind Taiwan via Taiwan and intermediate points to a point or points in the United States and beyond; (2) engage in charter foreign air transportation of persons, property and mail between any point or points in Taiwan and any point or points in the United States; (3) engage in charter foreign air transportation of persons, property and mail between the United States and any point or points not in Taiwan or the United States; and (4) engage in other charter foreign air transportation as may be authorized pursuant to the Department's regulations.

Docket Number: OST–97–2646.

Date Filed: 6/23/97.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 21, 1997.

Description

Application of Florida West International Airways, Inc., pursuant to 49 U.S.C. Section 41102, and Subpart Q of the Regulations, request renewal of its Certificate Authority to engage in scheduled all-cargo foreign air transportation between the United States and various European and Western Hemisphere points, between the United States and Peru and beyond to Santiago, Chile, and for Route 599; domestic all-cargo air service; domestic and foreign charter air transportation.

Docket Number: OST–97–2659.

Date Filed: 6/27/97.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 25, 1997.

Description

Application of Air South Airlines, Inc., pursuant to 49 U.S.C. Section 41105 and Subpart Q of the Regulations, requests transfer to ASA of the certificate of public convenience and necessity for interstate air transportation that was initially issued to Air South, Inc., an Illinois Corporation. ASA further requests that the transferred certificate be revised to reflect that it has been issued to ''Air South Airlines, Inc.''

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 97–17543 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–62–P

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 will be forwarded to the Office of Management and Budget (OMB) for review and comment. This notice describes the paperwork burden associated with this survey, and allows for a 60-day comment period before the paperwork package is submitted to 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 of information technology, e.g., permitting electronic submission of responses.

DATES: Submit any comments to FAA by September 5, 1997.

SUPPLEMENTARY INFORMATION:

Title: Survey of Community Response to Aircraft Noise.

Need: Information for predicting the impact of an abrupt change in noise environment is required by FAA as part of an assessment process. Predicting the impact of an abrupt change in an aircraft noise environment is an essential part of the assessment of the environmental impact of constructing new airports, increasing the capacity of existing airports through the construction of new runways and modifying operations existing airports. The information will be used by the FAA and airport authorities to estimate the changes in numbers of people that will be impacted to varying degrees by proposed changes in airport configuration, airport operations, and aircraft routing.

Respondents: 1000 individual residents of an airport area.

Frequency: One time study.

Burden: The annual burden is estimated to be 460 hours.

FOR FURTHER INFORMATION: or to obtain in a copy of this request for clearance, you may contact Ms. Judy Street at the: Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Avenue, SW., Washington, DC 20591.

Issued in Washington, DC on June 30, 1997.

Steven Hopkins,

Manager, Corporate Information Division, ABC–100.

[FR Doc. 97–17649 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Security Advisory Committee

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held July 23, 1997, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., 8th floor, room 8ABC, Washington, D.C. 20591, telephone 202–267–7622.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463; 5 U.S.C. App. 11), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held July 23, 1997, at the Federal Aviation Administration, 800 Independence Avenue, SW., 8th floor, room 8ABC, Washington, D.C. The agenda for the meeting will include: Automated Profiling; Positive Passenger Bag Match; Status of the Cargo Working Group, Public Education Working Group, Consultation Working Group, Employee Recognition and Utilization Working Group, Airport Categorization Working Group, and Universal Access System Working Group; and On-going Civil Aviation Security Initiatives. Attendance a the July 23, 1997, meeting is open to the public but is limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time. Persons wishing to present statements or obtain information should contact the Office of the Associate Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202–267–7622.

Issued in Washington, D.C., on July 1, 1997.

Cathal L. Flynn,

Associate Administrator for Civil Aviation Security.

[FR Doc. 97–17648 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at McGhee Tyson Airport, Knoxville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at McGhee Tyson Airport Knoxville, Tennessee, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before August 6, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2851 Directors Cove, Suite #3, Memphis, TN 38131–0301.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terry Igoe, Executive Director of the Metropolitan Knoxville Airport Authority at the following address: P.O. Box 15600, Knoxville, TN 37901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Knoxville Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Memphis Airports District Office, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131–0301; 901–544–3495, Ext. 19. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to: impose and use the revenue from a PFC at McGhee Tyson Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On June 27, 1997, the FAA determined that the application to use the revenue from a PFC submitted by Metropolitan Knoxville Airport Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 26, 1997.

The following is a brief overview of the application.

PFC application number: 97–05–C–00–TYS.

Level of the proposed PFC: $3.00.

Proposed Charge effective date: May 1, 1998.

Proposed charge expiration date: April 1, 1999.

Total estimated PFC revenue: $1,765,000.

Brief description of proposed projects: Taxiway B–2 reconstruction including removing the concrete pavement, preparing the subgrade, constructing a new base, replacing the concrete surface, replacing edge drains, and resurfacing and widening the shoulders; purchase an emergency, stand-by generator; and PFC Program Administrative expense. Class or classes of air carriers which the public agency has requested not be required to collect PFCs: nonscheduled air taxi/commercial operators filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Knoxville Airport Authority.

Issued in Memphis, Tennessee, on June 27, 1997.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 97–17650 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Weather Information for Surface Transportation; Request for Participation; Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice correction.

SUMMARY: This document corrects the notice published in the **Federal Register** of June 13, 1997, (62 FR 32401) regarding weather information for surface transportation. In FR Doc. 97–15487, beginning on page 32403 in the second column starting on line sixteen, correct the first sentence of the paragraph to read as follows: ''The cost share must be from non-ITS federally

derived funding sources and must consist of either cash, substantial equipment contributions that are wholly utilized as an integral part of the project, or personnel services dedicated full-time to the project for a substantial period, as long as such personnel are not otherwise supported with Federal funds.''

FOR FURTHER INFORMATION CONTACT: Mr. Paul Pisano, FHWA Office of Safety and Traffic Operations R&D, (703)285–2498, 6300 Georgetown Pike, McLean, Va 22101–2296; or Mr. Raymond Resendes, ITS Joint Program Office, (202)366–2182, FHWA, Office of Acquisition Management, (202)366–4227; or Ms. Beverly Russell, FHWA, Office of the Chief Counsel, (202)366–1355, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

Authority: Secs. 6051–6059, Pub. L. 102–240, 105 Stat. 1914, 2189; 23 U.S.C. 307 note; 49 CFR 1.48.

Issued on: July 1, 1997.

Edward V.A. Kussy,

Acting Chief Counsel, Federal Highway Administration.

[FR Doc. 97–17651 Filed 7–3–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388]

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) and request for comments on proposed EIS scope.

SUMMARY: On June 23, 1997, CSX Corporation and CSX Transportation, Inc. (CSX), Norfolk Southern Corporation, and Norfolk Southern Railway Company (NS), and Conrail Inc. and Consolidated Rail Corporation (Conrail) filed an application (primary application) with the Surface Transportation Board (Board) under 49 U.S.C. 11323–25. NS, CSX, and Conrail are jointly seeking authority for NS and CSX to acquire control of Conrail and for the subsequent division of Conrail's assets. The proposed transaction involves over 44,000 miles of rail lines and related facilities covering a large portion of the eastern United States. To evaluate and consider the potential environmental impacts that may result from the proposed transaction, the Board's Section of Environmental Analysis (SEA) will prepare an environmental impact statement (EIS). The Board has determined that an EIS is warranted due to the nature and scope of environmental issues (e.g., intercity passenger service and commuter rail service) that may arise. As part of their primary application to the Board, CSX, NS, and Conrail (collectively, Applicants), have filed a detailed operating plan and prepared an Environmental Report (ER). The ER describes the physical and operational changes that would be associated with the proposed transaction and discusses the potential environmental impacts of those changes.

DATES: Written comments on the draft scope are due August 6, 1997.

ADDRESSES: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Dalton, SEA Project Manager, Conrail Control Transaction, (202) 565–1530; or Ms. Dana White, SEA Environmental Specialist, at (202) 565–1552. (TDD for the hearing impaired: (202) 565–1695).

SUPPLEMENTARY INFORMATION:

Background

The proposed transaction would result in certain existing Conrail facilities and operations being assigned individually to either CSX or NS through operating agreements or other mechanisms, and certain other existing Conrail facilities and operations being shared by, and operated for the benefit of, both CSX and NS. The result would be an expanded CSX rail system, an expanded NS rail system, and certain areas of joint ownership and operations. CSX and NS would continue to compete with each other in the provision of rail freight services and would expand their competition to areas in which Conrail is currently the only major rail carrier. Each of the two railroads would utilize its existing lines, would operate certain Conrail lines independent of the other, and would jointly operate certain Conrail lines.

Applicants anticipate that the proposed transaction would provide for benefits that include: reduced energy usage, enhanced safety, reduced highway congestion, reduced system-wide air pollutant emissions, expanded competition, and a more efficient rail transportation system. The proposed transaction, also referred to as the proposed action, is detailed in the primary application and in the operating plan and ER that accompanied it. The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic, changes in activity at rail yards and intermodal facilities, and rail line abandonment and construction projects.

Applicants served the ER concurrently on appropriate federal, state, and local agencies. Federal agencies included: U.S. Army Corps of Engineers, U.S. Department of Agriculture (Forest Service and Natural Resources Conservation Service), U.S. Department of Interior (Bureau of Indian Affairs, Bureau of Land Management, National Park Service, Office of Environmental Project Review, Fish and Wildlife Service), U.S. Department of Transportation (Federal Railroad Administration, Federal Highway Administration, Federal Transit Administration, U.S. Coast Guard), and U.S. Environmental Protection Agency (EPA). State agencies included clearinghouses, state departments of transportation, public service commissions, and historic preservation offices, in the States of AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and the District of Columbia. Applicants also served the ER on cities with populations of over 50,000, as well as counties and regional planning organizations that could be affected.

Environmental Review Process and Alternatives

The Board's environmental staff, SEA, is soliciting information and comments on the scope of environmental issues to be addressed in the EIS for the proposed transaction. The National Environmental Policy Act (NEPA) process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on that proposed action is made. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS and their potential for significance.

Existing rail operations are the baseline from which the potential environmental impacts of the proposed transaction will be evaluated. Under the NEPA process, SEA will evaluate only

the potential environmental impacts of operational and physical changes that are directly related to the proposed transaction. SEA will not consider environmental impacts relating to existing rail operations and existing railroad facilities.[1] In making its decision in this proceeding, the Board will consider the EIS, the public comments, and the environmental analysis and recommendations, including any environmental mitigation proposed by SEA. Alternatives to be considered in the EIS are (1) approval of the transaction as proposed; (2) disapproval of the proposed transaction in whole (No-Action alternative); or (3) approval of the proposed transaction with conditions, including environmental mitigation conditions.[2] Other parties may file ''inconsistent or responsive'' applications requesting modifications to the proposed transaction, such as requests for trackage rights or the acquisition of particular rail lines. Potential environmental impacts and rail system changes proposed in the inconsistent and responsive applications will be evaluated in the EIS.

Related Activities

NS and CSX requested, and the Board allowed, the proposed construction of seven small rail line connections (Seven Connections) totaling approximately 4 miles, to be filed and reviewed separately from the primary application. This separate environmental review process will address only the potential environmental impacts of the physical construction of these Seven Connections and Applicants' proposed operations over these lines. The operational implications of the transaction as a whole, including proposed operations over these Seven Connections, if authorized, will be examined in the context of the EIS that is being prepared for the proposed transaction.[3]

Filing Environmental Comments

SEA encourages broad participation in the EIS process during scoping and review of the Draft EIS (DEIS). Interested agencies and persons are invited to participate in the scoping phase by reviewing the draft scope of the EIS. Due to the broad geographic scope of the proposed transaction, SEA does not plan to conduct public scoping meetings. Written comments on the draft scope of the EIS may be submitted to the Board within the 30-day comment period, as described below, no later than August 6, 1997. It is not necessary to be a Party of Record (as detailed below) to file comments on the draft scope of the EIS and participate in the environmental review process. You need only submit a signed original and 10 copies of your comments to: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423–0001.

To ensure proper handling of your comments, you must mark your submission: Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

By following this procedure, your comments will be placed in the formal Public Record for this case. In addition, SEA will add your name to its mailing list for distribution of the final scope of the EIS, the DEIS, and Final EIS (FEIS). However, as stated in Board Decision No. 6[4] in this case, copies of Board decisions, orders, and notices will be served only on persons designated as Parties of Record, Members of Congress, and Governors on the official service list. All other interested persons who wish to receive copies of Board decisions, orders, and notices served in this proceeding are encouraged to make advance arrangements with the Board's copy contractor, DC News & Data, Inc., at (202) 289–4357.

Parties of Record

If you wish to become a Party of Record (POR) in this case, you must comply with the more rigorous filing and service requirements explained in Decision No. 6. Specifically, you must notify the Board by August 7, 1997, or 45 days after the primary application was filed, of your intent to participate actively in this proceeding by submitting to the Office of the Secretary, at the above address, an original plus 25 copies of a Notice of Intent to Participate accompanied by a certificate of service. The Notice must demonstrate compliance with the service requirements set forth in the section of Decision No. 6 entitled **ADDRESSES.** Thereafter, each POR will receive a copy of the official service list that contains the names and addresses of all PORs, upon whom all subsequent filings must be served.

For Additional Information

Contact Mr. Michael Dalton, SEA Project Manager, Conrail Control Transaction, (202) 565–1530; or Ms. Dana White, SEA Environmental Specialist, at (202) 565–1552 (TDD for the hearing impaired: (202) 565–1695). Summary information about the proposed transaction and draft scope of the EIS can be found at the following Internet web site: http://www.conrailmerger.com. Requests for summary information on the control transaction and EIS scope can be made through SEA's toll-free Environmental Hotline at (888) 869–1997.

Environmental Review Schedule

The Board has adopted a 350-day procedural schedule for the proposed transaction proceeding,[5] and has determined that preparation of an EIS is warranted in this case. The 350-day schedule will permit SEA to undertake an EIS that fully considers the environmental consequences of this proposed action. Below is a discussion of how SEA plans to conduct the environmental review process in this case.

On June 23, 1997, Applicants filed an ER containing the information specified in the Board's environmental rules at 49 CFR 1105.7(e), as part of the primary application. The ER was concurrently served on the agencies listed in the Board's environmental rules at 49 CFR 1105.7(b), and other appropriate entities. The ER describes the physical and operational changes in the rail systems and facilities anticipated as a

[1] In merger and control cases, the Board's practice consistently has been to mitigate only those environmental impacts that result directly from the transaction. The Board, like its predecessor, the Interstate Commerce Commission, has not imposed mitigation to remedy preexisting conditions such as those that might make the quality of life in a particular community better, but are not a direct result of the merger (i.e., congestion associated with the existing rail line traffic, or the traffic of other railroads).

[2] The Board has broad authority to impose conditions in railroad control transactions under 49 U.S.C. 11324 (c). However, the Board's power to impose conditions is not limitless. To survive judicial review, the record must support the imposition of the condition at issue. Moreover, there must be a sufficient nexus between the condition imposed and the transaction before the agency, and the condition imposed must be reasonable. *See United States* v. *Chesapeake & O.* Ry., 426 U.S. 500, 514–15 (1976); *Consolidated Rail Corp.* v. *ICC,* 29 F.3d 706, 714 (D.C. Cir. 1994).

[3] Board Decision No. 9 in this proceeding, issued June 12, 1997, granted Applicants' petition for waiver related to the Seven Connections and explained what the environmental review process for those projects would be. Specifically, SEA intends to prepare a separate Environmental Assessment for each of these small construction projects. However, if SEA determines that any one of the construction proposals could potentially cause, or contribute to, significant environmental impacts then the project will be incorporated into the EIS for the overall proposed transaction, and will not be separately considered. Also, no rail operations can begin over these Seven Connections until completion of the EIS process, and issuance of a further decision.

[4] Board Decision No. 6 was issued May 30, 1997, and published at 62 FR 29387–29391.

[5] See Decision No. 6. This schedule is based on the filing date (F) of the primary application, which was June 23, 1997.

result of the proposed transaction. In the ER, Applicants also discuss the potential environmental impacts that would be associated with the anticipated changes.

The next step in the environmental review process is scoping. Based on the Council on Environmental Quality's (CEQ) regulations, the Board's environmental rules at 49 CFR 1105, the ER, and all other information available to date, SEA has prepared this draft scope of the EIS. Written public comments on the draft scope of the EIS are invited, and are due August 6, 1997. After SEA considers all comments submitted by the comment deadline, SEA will prepare a final scope of the EIS. SEA intends to issue the final scope of the EIS in September 1997. This final scope of the EIS will be distributed to all PORs, commenters, and appropriate agencies.

Based on SEA's independent environmental analysis, review of all information available to date, and consultations with appropriate agencies, SEA then will prepare a DEIS. The DEIS will address relevant environmental concerns, as described in the final scope of the EIS, and recommend appropriate environmental mitigation. In addition, the DEIS will address environmental impacts associated with any inconsistent or responsive applications or settlement agreements.[6] SEA intends to serve the DEIS in November 1997, approximately 5 months after the primary application was filed in this proceeding. SEA will serve the DEIS on all Parties of Record to this proceeding, commenters who comply with the above-mentioned filing procedures, and appropriate federal, state, and local government agencies. Also, EPA will publish a notice of the availability of the DEIS in the **Federal Register**. The DEIS will have a comment period of 45 days, as required by CEQ regulations at 40 CFR 1506.10(c).

After considering comments on the DEIS, SEA will issue a FEIS. The FEIS will address comments to the DEIS and will include SEA's final recommendations, including appropriate environmental mitigation. SEA will serve the FEIS in late March or early April, prior to the Board's voting conference, which currently is scheduled to be held April 14, 1998. At the voting conference, the Board will announce whether it will grant the application, deny the application, or grant it with appropriate conditions, including environmental mitigation conditions. The Board intends to serve a written decision in this case by June 8, 1998. In that decision, the Board will address both environmental and transportation issues and impose any conditions found to be appropriate.

Parties that wish to file an administrative appeal of the Board's written decision (including any environmental conditions that might be imposed) may do so within 20 days from the service date of the Board's decision, as provided in the Board's rules. Any interested party will have approximately 2 months to consider the FEIS prior to commencement of the aforementioned period for filing administrative appeals. The schedule will provide adequate time to pursue administrative review of the Board's June 1998 decision after it is issued. Any administrative appeals will be addressed in a subsequent decision. This process is consistent with CEQ rules (40 CFR 1506.10 (b)).

PROJECTED SCHEDULE[7]

• Preliminary Environmental Report[8] submitted to SEA. (F–30)[9]	May 16, 1997.
• Primary Application and Environmental Report filed. (F)	June 23, 1997.
• Notice of Intent to Prepare an Environmental Impact Statement and Environmental Impact Statement Scoping Notice issued. (**Federal Register** Notice)..	July 7, 1997.
• Comments on the Draft Scope of the Environmental Impact Statement due (end of 30-day comment period)..	Aug. 6, 1997.
• Descriptions of Inconsistent and Responsive Applications filed. (F + 60).	Aug. 22, 1997.
• Last day to file Preliminary Draft Environmental Assessments for the Seven Separate Construction Projects referenced in Decision No. 9..	Sept. 5, 1997.
• Final Scope of the Environmental Impact Statement issued.	Sept. 1997.
• Responsive Environmental Reports and Verified Environmental Statements due. (F + 100).	Oct. 1, 1997.
• Inconsistent and Responsive Applications due. (F + 120).	Oct. 21, 1997.
• Draft Environmental Impact Statement served.	Nov. 1997.
• Draft Environmental Impact Statement comments due (end of 45-day comment period).	Jan. 1998.
• Final Environmental Impact Statement served.	Late Mar. or Early Apr., 1998.
• Oral Argument	Apr. 9, 1998.
• Voting Conference	Apr. 14, 1998.
• Final Decision served	June 8, 1998.
• Administrative Appeals Filing Deadline	June 29, 1998.

[7] Actual dates may vary slightly. These are the dates that will apply if the Board accepts the primary application as filed on June 23, 1997.
[8] The Preliminary Environmental Report contained preliminary, descriptive information on the proposed transaction.
[9] "F" is the filing date of the primary application. The Board established the time periods related to the filing date in the procedural schedule set out in Decision No. 6 in this proceeding.

Draft Scope of the EIS

Proposed Action and Definition of Alternatives

The proposed action is Applicants' proposed acquisition and control, jointly or individually, of Conrail's rail lines and facilities, as explained in the primary application's operating plan and ER. The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic on rail lines, changes in activity at rail yards and intermodal facilities, and rail line abandonment and construction projects.

Reasonable or feasible alternatives that will be evaluated in the EIS are (1) the proposed action, (2) the no-action alternative, and (3) the proposed action with conditions, including

[6] Under the procedural schedule previously established for this proceeding (Decision No. 6), inconsistent and responsive applicants must provide a description of the proposed inconsistent or responsive application by day F + 60. Inconsistent and responsive applicants must file Responsive Environmental Reports or verified statements by day F + 100, indicating that there are no potentially significant environmental impacts. They must file inconsistent and responsive applications by day F + 120. SEA anticipates that the issues addressed in the final scope of the EIS will be similar to issues that may be raised in any subsequent filing of inconsistent or responsive applications.

environmental mitigation conditions. Proposed modifications to the proposed transaction as requested by other parties in their inconsistent or responsive applications will also be addressed in the EIS.

Environmental Impact Analysis

Analysis in the EIS will address proposed activities and their potential environmental impacts, as appropriate. The scope of the analysis will include the following types of activities:

1. Anticipated changes in level of operations on rail lines (e.g., an increase in average trains per day) for those rail line segments which meet or exceed the Board's thresholds for environmental review in 49 CFR 1105.7. In cases where the Board's environmental rules do not provide a threshold, the EIS generally will use increases of eight (8) trains per day or more as the threshold for addressing environmental impacts. Where appropriate, available system-wide data will be used.

2. Proposed rail line abandonments.

3. Proposed changes in activity at rail yards and intermodal facilities to the extent such changes may exceed the Board's thresholds for environmental analysis in 49 CFR 1105.7.

4. Proposed requests for trackage rights or rail line acquisitions that may be included in inconsistent and responsive applications.

5. Proposed physical construction of rail line segments other than the Seven Connections discussed above and in Decision No. 9.[10] Subsequent references to construction projects in this scoping document do not include these Seven Connections. Alternatives to construction could include feasible alternate alignments that may be environmentally preferable.

Impact Categories

The EIS will address potential impacts on the environment that will include the areas of safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, socioeconomic effects directly related to physical changes in the environment, environmental justice, and cultural and historic resources, as described below.

1. Safety

The EIS will:

A. Address rail highway grade crossing safety factors, as appropriate.

B. Consider increased probability of train accidents, derailments, and other incidents, as appropriate.

C. Address potential effects of increased freight traffic on commuter and intercity passenger service operations.

D. Discuss the potential environmental impacts of the proposed transaction on public health and safety with respect to the transportation of hazardous materials, including:

(1) Changes in the types of hazardous materials and quantities transported or re-routed;

(2) Nature of the hazardous materials being transported;

(3) Applicants' safety practices and protocols;

(4) Applicants' safety record (to the extent available) on derailments, accidents and hazardous materials spills;

(5) Any existing contingency plans to address accidental spills;

(6) Probability of increased spills given railroad safety statistics and applicable Federal Railroad Administration requirements; and

(7) Location and types of hazardous substances at hazardous waste sites or hazardous materials spills on the right-of-way of any proposed construction or rail line abandonment site.

2. Transportation System

The EIS will:

A. Describe system-wide effects of the proposed operational changes, constructions, and rail line abandonments and evaluate potential environmental impacts on commuter rail service and interstate passenger service.

B. Discuss potential diversions of freight traffic from trucks to rail and from rail to trucks, as appropriate.

C. Address, as appropriate, vehicular delays at rail crossings and intermodal facilities due to increases in rail related operations. A range of typical rail operations and traffic conditions will be defined for purposes of evaluating the impacts of potential vehicular delays. Transportation impacts at grade crossings will be evaluated for those crossings having average daily vehicle trips of 5,000 or more.[11]

3. Land Use

The EIS will:

A. Describe whether the proposed rail line construction and abandonment activities are consistent with existing land use plans.

B. Describe environmental impacts associated with the proposed construction of new rail lines or expansion of facilities as to acres of prime farmland potentially removed from production.

C. Discuss consistency of proposed rail line construction and abandonment activities with applicable coastal zone requirements.

4. Energy

The EIS will:

A. Describe the potential environmental impact of the proposed transaction on transportation of energy resources and recyclable commodities to the extent such information is available.

B. Discuss the overall increase or decrease in energy efficiency (fuel use) from truck-to-rail diversions, based on estimates of such diversions subject to the Board's thresholds in 49 CFR 1105.7 (e)(4)(iv), for diversions of 1,000 rail carloads per year, or fifty (50) rail carloads per mile per year for any line segment.

C. Discuss estimated changes in energy efficiency of rail-to-truck diversions that exceed the Board's environmental thresholds in 49 CFR 1105.7(e)(4)(iv).

5. Air Quality

The EIS will:

A. Evaluate air emissions increases that exceed the Board's environmental thresholds in 49 CFR 1105.7(e)(5)(i), in an air quality attainment or maintenance area as designated under the Clean Air Act as it existed on the date the primary application was filed.[12] The thresholds are as follows:

(1) A 100 percent increase in rail traffic or an increase of eight (8) trains a day on any segment of rail line affected by the proposal; or

(2) An increase in rail yard activity of at least 100 percent or more; or

(3) An increase in truck traffic of more than ten (10) percent of the average daily traffic or fifty (50) vehicles a day.

B. Evaluate emissions increases, if the proposed transaction affects a Class I or non-attainment area as designated under the Clean Air Act as of the date the

[10] As noted in Decision No. 9, in reviewing the Seven Connections separately, the Board will consider the regulatory and environmental aspects of these proposed constructions and Applicants' proposed operations over these lines together in the context of whether to authorize each individual physical construction project. The operational implications of the proposed transaction as a whole, including operations over the 4 or so miles embraced in the Seven Connections will be examined in the context of the EIS for the overall control transaction.

[11] Crossings with average daily vehicle trips of fewer than 5,000 vehicles per day typically do not experience serious delays.

[12] Air quality attainment areas are areas which comply with national ambient air quality standards for particulate matter, sulfur dioxide, nitrogen oxides, ozone, carbon monoxide, and lead. Non-attainment areas are areas which do not comply with one or more ambient air quality standards. Maintenance areas are areas which were non-attainment in the past but have air quality which complies with standards at present. These areas are designated by EPA.

application was filed. Thresholds for Class I and non-attainment areas are as follows:

(1) An increase in rail traffic of at least fifty (50) percent or an increase of three (3) trains a day or more; or

(2) An increase in rail yard activity of at least twenty (20) percent; or

(3) An increase in truck traffic of more than ten (10) percent of the average daily traffic or fifty (50) vehicles a day.

C. Discuss the net increase in emissions from increased railroad operations associated with the proposed transaction.

D. Evaluate potential air quality benefits of system-wide emission reductions that would result from projected truck-to-rail diversions. Net increases, less any estimated reductions due to truck-to-rail diversions, will be compared to the entire emission inventory for affected non-attainment areas. This discussion will be based on emission inventory data provided by the appropriate state agency.

E. Identify the following information for the anticipated transportation of ozone depleting materials (such as nitrogen oxide and freon):

(1) Materials and quantity;

(2) Applicants' safety practices;

(3) Applicants' safety record (to the extent available) on derailments, accidents, and spills;

(4) Contingency plans to address accidental spills; and

(5) Likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

F. Discuss potential air emissions increases from vehicle delays at rail crossings where the rail crossing is projected to experience an increase in rail traffic over the thresholds described above in Section 5A for attainment and maintenance areas and in Section 5B for Class I and non-attainment areas, and which have an average daily vehicle traffic level above 5,000. Such increases will be factored into the net emissions estimates for the affected area.

The EIS will not:

Address ambient impacts of net increases or decreases of emissions related to rail operations changes, traffic delay analysis, and truck to rail diversions, due to the infeasibility of incorporating such analysis into local and regional air quality impacts analyses, emissions databases, and air quality modeling protocols for a project that involves over 44,000 miles of rail lines and related facilities covering a large portion of the eastern half of the United States. Given the broad geographical scope of the proposed transaction, it is not feasible to do in any reasonable amount of time the thousands of modeling analyses that would be required to assess such impacts.

6. Noise

The EIS will:

A. Describe potential noise impacts of the proposed transaction for those areas that exceed the Board's environmental thresholds identified in Section 5A of the Air Quality discussion.

B. Identify whether the proposed transaction will cause:

(1) An incremental increase in noise levels of three decibels Ldn or more; or

(2) An increase to a noise level of 65 decibels Ldn or greater. If so, an estimate of the number of sensitive receptors (e.g., schools, libraries, hospitals, residences) within such areas will be made based on census data or other available information. Such receptors will be estimated for the area that may increase to 65 decibels Ldn due to proposed transaction-related activities.

7. Biological Resources

The EIS will:

A. Discuss potential environmental impacts from proposed rail line construction and abandonment projects on federal endangered or threatened species or designated critical habitats.

B. Discuss the effects of proposed rail line construction and abandonment projects on wildlife sanctuaries or refuges, and national or state parks or forests.

8. Water Resources

The EIS will:

A. Discuss whether potential impacts from proposed rail line construction and abandonment projects may be inconsistent with applicable federal or state water quality standards.

B. Discuss whether permits may be required under Sections 404 or 402 of the Clean Water Act (33 U.S.C. 1344) for any proposed rail line construction and abandonment projects and whether any such projects have the potential to encroach upon any designated wetlands or 100-year floodplains.

9. Socioeconomic Issues

The EIS will address socioeconomic issues shown to be directly related to changes in the physical environment as a result of the proposed transaction.

10. Environmental Justice

The EIS will:

(1) Report on the demographics in the immediate vicinity of any area where major activity such as an abandonment or construction is proposed;

(2) Evaluate whether such activities potentially have a disproportionately high and adverse health effect or environmental impact on any minority or low-income group.

11. Cultural and Historic Resources

The EIS will address potential impacts from proposed rail line construction and abandonment projects on cultural and historic resources that are on, or immediately adjacent to, a railroad right-of-way.

Issued: July 1, 1997.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 97–17631 Filed 7–3–97; 8:45 am]

BILLING CODE 4915–00–P

Monday
July 7, 1997

Part II

Office of Management and Budget

1997 Standard Occupational Classification Revision; Notice

OFFICE OF MANAGEMENT AND BUDGET

1997 Standard Occupational Classification Revision

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of solicitation of comments.

SUMMARY: Under title 44 U.S.C. 3504, the Office of Management and Budget (OMB) is seeking public comment on the Standard Occupational Classification Revision Policy Committee's (SOCRPC) proposals for revising the 1980 Standard Occupational Classification (SOC) Manual's occupational units and aggregate groups. The SOCRPC is developing a new occupational classification system that will include all jobs in the national economy, including occupations in the public, private, and military sectors.

All Federal agencies that collect occupational data will use the new system; similarly, all State and local government agencies are strongly encouraged to use this national system to promote a common language for categorizing occupations in the world of work. The new SOC system will replace the Occupational Employment Statistics (OES) occupational classification system currently used by the Bureau of Labor Statistics (BLS) for gathering occupational information. It will also replace the Bureau of the Census' 1990 occupational classification system and will be used for the 2000 Census. In addition, the new SOC will serve as the framework for information being gathered through the Department of Labor's Occupational Information Network (O*NET), which is in the process of replacing the Dictionary of Occupational Titles (DOT).

In two prior **Federal Register** notices (February 28, 1995, 60 FR 10998–11002; October 5, 1995, 60 FR 52284–52286), the OMB and the SOCRPC requested comment on the uses of occupational data; on the existing 1980 SOC classification principles, purpose and scope, and conceptual options; on the SOCRPC's proposed revision process; and on the composition of detailed occupations. The categories proposed in this notice reflect the comments received from the two 1995 notices. After reviewing the comments on this notice, the SOCRPC will make its final recommendations to OMB. OMB will publish the SOCRPC recommendations in the **Federal Register** for public review and comment prior to taking final action on the 1997 SOC. The SOCRPC also will begin preparing the 1997 Standard Occupational Classification Manual for publication. Committee members will be completing definitions, assigning associated titles, and developing cross lists to existing systems.

Request for Comments: The OMB and the SOCRPC welcome comments with respect to any topic related to occupational classification, but are specifically interested in comments concerning the following:

(1) The hierarchical structure of the new SOC as reflected in Part IV of this notice in the **SUPPLEMENTARY INFORMATION** section below, especially the minor group, broad occupation, and detailed occupation organization within the structure, and the numbering system used; and

(2) The establishment of ongoing review and update procedures and a time frame for future revision as outlined in Part V below. It is anticipated that the next major review and revision of the SOC will begin in 2005 in preparation for use in the 2010 Decennial Census.

DATES: To ensure consideration in the further development of the SOC, all comments must be in writing and received on or before September 5, 1997.

ADDRESSES: Please send comments to Paul Hadlock, Standard Occupational Classification Revision Policy Committee, U.S. Bureau of Labor Statistics, Suite 4840, 2 Massachusetts Avenue, N.E., Washington, DC 20212. In addition, copies of draft occupational definitions may be obtained by writing to this address. All comments received in response to this notice will be available for public inspection at the Bureau of Labor Statistics during normal business hours, 8:15 a.m. to 4:45 p.m., in Suite 4840, 2 Massachusetts Avenue, N.E., Washington, DC 20212. Please call BLS on (202) 606–6502 to obtain an appointment to enter the suite.

Electronic Availability and Comment: This document is available on the Internet from the BLS via World Wide Web (WWW) browser and E-mail. The SOCRPC also will place draft occupational definitions and crosslists to other occupational classification systems on the Internet as soon as possible. To obtain SOCRPC documents via WWW browser, connect to ''http://stats.bls.gov/oes__soc.htm''. To obtain this document via E-mail or to submit comments, send a message to socrevision@bls.gov (use only lower case letters). Comments received at this address by the date specified above will be included as part of the official record.

FOR FURTHER INFORMATION CONTACT: Paul Hadlock, U.S. Bureau of Labor Statistics, Suite 4840, 2 Massachusetts Avenue, N.E., Washington, DC 20212; e-mail hadlock__p@bls.gov; telephone (202) 606–6502; FAX (202) 606–6645.

SUPPLEMENTARY INFORMATION:

I. Revision Process

The Standard Occupational Classification Revision Policy Committee (SOCRPC) used the Occupational Employment Statistics (OES) occupational classification system currently used by the Bureau of Labor Statistics (BLS) to gather occupational information as the starting point for the new Standard Occupational Classification (SOC) framework. The Committee also relied heavily on the Department of Labor's Occupational Information Network (O*NET), which is in the process of replacing the Dictionary of Occupational Titles (DOT). To carry out the bulk of the revision effort, the Committee created six work groups to examine occupations in the following areas:

1. Administrative and Clerical occupations;
2. Natural Science, Law, Health, Education, and Arts occupations;
3. Services and Sales occupations;
4. Construction, Extractive, and Transportation occupations;
5. Mechanical and Production occupations; and
6. Military occupations.

The Committee charged the work groups with ensuring that the occupations under their consideration conformed to the criteria laid out in the October 5, 1995, **Federal Register** notice. In carrying out their reviews, the work groups carefully considered all proposals received in response to **Federal Register** notices issued by the OMB and the Committee.

II. General Characteristics of the Revised SOC

In the proposed revision of the SOC, there are four levels of aggregation: (1) major group; (2) minor group; (3) broad occupation; and (4) detailed occupation. All occupations are clustered into 22 major groups (listed below), such as Management or Health occupations. These major groups are broken down into occupationally-specific minor groups, such as Operations Specialties Managers in the Management Occupations major group or Health Diagnosing and Treating Practitioners in the Health Occupations major group. Minor groups, in turn, are divided into

detailed occupations, such as Compensation and Benefits Managers, or Physical Therapists. Detailed occupations are occasionally aggregated into broad occupations, such as Human Resources Managers or Therapists, for special purposes, such as data collection or reporting, or to provide logical aggregates for detailed occupations.

Each item in the hierarchy is designated by a six-digit code. The first two digits indicate major group, the third digit indicates minor group, and the last three digits indicate occupation. Major group codes end with 0000 (e.g., 21–0000, Health Occupations), minor groups end with 000 (e.g., 21–1000, Health Diagnosing and Treating Practitioners), and broad occupations end with 0 (e.g., 21–1050, Therapists). All residual (''All Other'') occupations end with 9 (e.g., 21–1059, Therapists, All Other). Minor group residuals end with 99 (e.g., 21–1099, Health Diagnosing and Treating Practitioners, All Other), and major group residuals end with 999 (e.g., 21–4999, Health-Related Workers, All Other).

The proposed 1997 SOC occupational groups and detailed occupations presented in Table 1 in Part IV below are not always consecutively numbered because of these coding conventions as well as to allow for the insertion of additional occupational groups in future revisions of the SOC. In addition, the coding system is designed to allow those desiring a delineation of occupations below the detailed occupation level to use a decimal point and additional digit(s) after the sixth digit. It is recommended that users needing extra detail use the structure currently being developed for O*NET.

Each occupation in the revised SOC will be placed within one of these major groups:

11 Management Occupations
13 Business and Financial Operations Occupations
15 Computer and Mathematical Occupations
17 Architecture and Engineering Occupations
19 Life, Physical, and Social Science Occupations
21 Health Occupations
23 Community and Social Services Occupations
25 Legal Occupations
27 Education, Training, and Library Occupations
29 Arts, Design, Entertainment, Media, and Sports Occupations
31 Sales Occupations
33 Office and Administration Occupations
35 Protective Occupations
37 Food Preparation and Serving Occupations
39 Buildings and Grounds Maintenance Occupations
41 Personal Care and Service Occupations
43 Farming, Fishing, and Forestry Occupations
45 Construction and Extractive Occupations
47 Installation, Maintenance, and Repair Occupations
49 Production Occupations
51 Transportation and Material Moving Occupations
53 Military Occupations

III. Significant Changes and Responses to Comments

The chart below indicates that the total number of occupational classifications in the proposed 1997 SOC increased only slightly from those in the 1997 OES (which is much more current than the 1980 SOC).

	1980 SOC	1997 OES	1997 SOC
Total Occupations	665	778	795

However, significant changes are proposed in certain areas. For example, the number of occupations in the areas of computers, design, science, health, law, education, and arts increased by 50% (from 192 OES occupations to 286 SOC occupations), while the number of occupations in the areas of mechanical and production occupations decreased by 35% (from 246 OES occupations to 157 SOC occupations).

To provide more comprehensive coverage for the new SOC, the SOCRPC worked closely with representatives of the Defense Manpower Data Center to include military occupations in a new Military Occupations major group. As a general principle in the proposed SOC, military occupations are listed with civilian occupations having similar duties. For instance, ''Airline Pilots, Copilots, and Flight Engineers'' (51–2011) includes both military and civilian workers. However, there are 20 military occupations for which no close civilian counterpart could be identified; these military-unique occupations are listed in the Military Occupations major group. In addition, the work group on military occupations modified titles and definitions of many occupations covered by other work groups to ensure proper coverage of military occupations within the civilian counterpart classifications.

In developing the detailed occupations and the hierarchical coding structure, the SOCRPC drew on the 53 comments received in response to the October 5, 1995, SOC Revision **Federal Register** notice as well as the recommendations of the SOCRPC work groups. The comments came from a variety of public and private organizations. Seventeen responses came from State Employment Security Agencies or State Occupational Information Coordinating Committees. Sixteen responses came from associations representing a particular occupational interest (such as Athletic Trainers, Audiologists, Boilermakers, School Psychologists, and Social Workers), and two responses came from private sector companies. The remaining responses came from Federal entities, including the Congress, the Office of Personnel Management, and the Social Security Administration. For a complete list of respondents, please see Part VI of this notice.

All together, 215 separate issues were identified in the commentors' correspondence. Generally, the issues fell into four broad categories: 1) new occupations not currently listed in the SOC; 2) various hierarchy issues (e.g., should Boilermakers be classified as production workers or construction workers?); 3) occupation or job title modifications to reflect more precisely the work performed; and 4) general comments on the revision process. The SOCRPC considered all issues in the public comments. Most recommended changes were implemented by the various work groups. Specific issues (e.g., additions, modifications) addressed by the work groups are listed below.

In the Management Occupations major group, the OES title ''General Managers and Top Executives'' was divided into ''Chief Executives'' (11–1001) and ''General and Operations Managers'' (11–1002). ''Quality Control Managers'' was added as an associated title for ''Industrial Production Managers'' (11–2031). The definition of ''Transportation, Storage, and Distribution Managers'' (11–2053) was modified to include ''Logistics Managers.'' ''Farm, Ranch, and Other Agricultural Managers'' (11–3011) and ''Farmers and Ranchers'' (11–3012) were added to the revised SOC. The definition of ''Construction Managers'' (11–3021) was revised to include ''Constructors.'' ''Education Administrators, Preschool and Child-Care Center/Program'' (11–3031) was added to the revised SOC. Finally, the definition of ''Medical and Health Services Managers'' (11–3044) was revised to include ''Long-Term Care

Administrators'' and ''Managed Care Specialists.''

In the Business and Financial Operations Occupations major group, ''Logisticians'' (13–1021) and ''Meeting and Convention Planners'' (13–1023) were added to the revised SOC.

A Computer and Mathematical Occupations major group was created in the new hierarchy, with the following new or revised occupations: ''Computer and Information Scientists, Research'' (15–1001), ''Computer Programmers'' (15–1002), ''Computer Software Applications Engineers'' (15–1011), ''Computer Software Engineers, Operating Systems'' (15–1012), ''Computer Support Specialists'' (15–1021), ''Database Administrators'' (15–1022), ''Network and Computer Systems Administrators'' (15–1023), ''Network Systems and Data Communications Analysts'' (15–1031), ''Systems Analysts, Science and Engineering'' (15–1032), ''Systems Analysts, All Other'' (15–1039), and ''Computer Specialists, All Other'' (15–1099).

In the Architecture and Engineering Occupations major group, associated titles were added to ''Aerospace Engineers'' (17–2001). ''Environmental Engineers'' (17–2021) was added to the revised SOC. ''Logistical Engineers'' was added as an associated title for ''Industrial Engineers'' (17–2032). Associated titles were added to ''Mechanical Engineers'' (17–2043). The recommended title ''Research Support Specialists'' was not added to the revised SOC, as research support duties are performed by workers in the minor groups ''Architectural, Engineering, and Mapping Technicians'' (17–3000) and ''Life, Physical, and Social Science Technicians'' (19–4000). Associated titles were added to ''Architectural Technicians, Except Drafters'' (17–3021) and ''Electrical and Electronic Engineering Technicians'' (17–3033). ''Electro-Mechanical Technicians'' (17–3034) and ''Environmental Engineering Technicians'' (17–3035) were added to the revised SOC. The recommendation that ''Industrial Technologists'' be added to the revised SOC was considered but not adopted, as these workers can be classified under ''Industrial Engineering Technicians'' (17–3036).

In the Life, Physical, and Social Science Occupations major group, ''Arborist'' was added as an associated title under the new occupation ''Soil and Plant Scientists'' (19–1013). ''Environmental Scientists'' (19–2004) and ''Environmental Science Technicians'' (19–4004) were added to the revised SOC. All ''Psychologists'' occupations were placed into this major group, and the occupation ''Clinical, Counseling, and School Psychologists'' (19–3031) was added to the SOC. ''Food Testers'' was added as an associated title for ''Agricultural and Food Science Technicians'' (19–4001).

In the Health Occupations major group, the definition of ''Registered Nurses'' (21–1043) was revised to include ''Registered Nurses,'' ''Nurse Practitioners,'' ''Clinical Nurse Specialists,'' ''Nurse Anesthetists,'' and ''Nurse Midwives.'' ''Audiologists'' and ''Speech-Language Pathologists'' were found to be sufficiently distinct occupations to justify separate classifications: ''Audiologists'' (21–1051) and ''Speech-Language Pathologists'' (21–1057). The definitions of ''Medical and Clinical Laboratory Technicians'' (21–2011) and ''Medical and Clinical Laboratory Technologists'' (21–2012) were revised, and the occupations ''Cytotechnologists,'' ''Blood Bank Technologists,'' and ''Histotechnologists'' were added as associated titles for ''Medical and Clinical Laboratory Technologists.'' ''Dental Hygienists'' (21–2021) was placed in this major group. The OES title ''Radiologic Technologists'' was divided into ''Diagnostic Medical Sonographers'' (21–2031) and ''Radiologic Technologists and Technicians'' (21–2033), and language was added to the definition of ''Radiologic Technologists and Technicians'' to include technologists who specialize in other modalities such as computerized axial tomography and magnetic resonance imaging. ''Respiratory Therapy Technicians'' (21–2048) was added to the revised SOC. Finally, ''Athletic Trainers'' (21–4001) was added to the SOC and listed in this major group.

In the Community and Social Service Occupations major group, ''Alcohol and Substance Abuse Counselors'' (23–1011) and ''Marriage and Family Counselors and Therapists'' (23–1012) were added to the SOC. The following occupations were added under the broad occupation ''Social Workers'' (23–1020): ''Child, Family, and School Social Workers'' (23–1021), ''Medical and Public Health Social Workers'' (23–1022), ''Mental Health and Substance Abuse Social Workers'' (23–1023), and ''Social Workers, All Other'' (23–1029). All definitions and associated titles were updated to conform to current usage of these job titles.

In the Legal Occupations major group, the title and definition of ''Paralegals and Legal Assistants'' (25–1024) were modified.

In the Education, Training, and Library Occupations major group, ''Teachers, Middle School'' (27–1004) was added to the revised SOC. A new broad occupation titled ''Librarians, Curators, and Archivists'' (27–4000) was created in the proposed hierarchy, and the definition of ''Librarians'' (27–4021) was revised, but the proposal that ''Librarians'' be divided into ''Librarians'' and ''Information Professionals'' was considered but not adopted. Similarly, the recommendation that ''Health Educators'' be added to the revised SOC was considered but not adopted, as the current definition of ''Instructional Coordinators'' (27–5002), with a specific statement including ''Public Health Educators,'' was judged to be sufficient.

In the Arts, Design, Entertainment, Media, and Sports Occupations major group, ''Interpreters and Translators'' (29–2007), ''Floral Designers'' (29–3003), and ''Graphic Designers'' (29–3004) were added to the revised SOC.

In the Sales Occupations major group, ''Telemarketers'' (31–2051) was added to the revised SOC.

In the Office and Administration Occupations major group, ''Customer Service Representatives, Except Sales and Financial'' (33–5005) was added to the revised SOC. The OES title ''Stenographers and/or Court Reporters'' was revised to ''Court Reporters, Medical Transcriptionists, and Stenographers'' (33–6001). The definition of ''Production, Planning, and Expediting Clerks'' (33–7008) was revised to include ''Production Schedulers,'' and ''Inventory Control Managers'' was added as an associated title for this occupation. ''Central Supply Technicians'' was added as an associated title for ''Stock Clerks and Order Fillers'' (33–7012).

In the Protective Occupations major group, the definition of ''Fire Fighters'' (35–2001) was updated to reflect these workers' range of responsibilities.

In the Food Preparation and Serving Occupations major group, ''Caterers'' was added as an associated title under the new occupation ''First-Line Supervisors/Managers of Food Preparation and Serving Workers'' (37–1001).

In the Buildings and Grounds Maintenance Occupations major group, ''First-Line Supervisors/Managers of Landscaping, Lawn Service, and Groundskeeping Workers'' (39–1002) was added to the revised SOC. The title and definition of ''Landscaping and Groundskeeping Laborers'' (39–3001) were modified. The title and definition of ''Pesticide Handlers, Sprayers, and Applicators, Vegetation'' (39–3002) were modified to include all custom applicators.

In the Personal Care and Service Occupations major group, several new casino occupations were added: ''First-Line Supervisors/Managers of Gaming Workers'' (41–1001), ''Amusement and Recreation Attendants'' (41–2001), ''Games of Chance Attendants'' (41–2011), ''Gaming Dealers'' (41–2012), ''Mutuel Cashiers and Games of Chance Writers'' (41–2013), and multiple associated titles. Also in this major group, ''Concierges'' (41–4002) and ''Masseuses/Masseurs'' (41–5004) were added to the revised SOC.

In the Construction and Extractive Occupations major group, ''Security and Fire Alarm Systems Installers'' (45–2062) was added to the revised SOC, and ''Boilermakers'' (45–2001) was moved into this major group.

In the Installation, Maintenance, and Repair Occupations major group, five OES telecommunications equipment-related occupations were condensed to ''Telecommunications Equipment Installers and Repairers'' (47–2003). ''Avionics Technicians'' (47–2011) was added to the revised SOC. The title and definition of ''Electrical and Electronics Installers and Repairers, Transportation Equipment'' (47–2013) were clarified to exclude aircraft and specify communications equipment, thus providing a place for workers who install, adjust, or maintain mobile electronics. The recommendation that ''Industrial Electronics Technicians'' be added to the revised SOC was considered but not adopted. These workers can be adequately classified as ''Electrical and Electronics Repairers, Commercial and Industrial Equipment'' (47–2014). ''Recreational Vehicle Service Technicians'' (47–3013) and ''Manufactured Building and Mobile Home Installers'' (47–4014) were added to the revised SOC, and the definition of ''Recreational Vehicle Service Technicians'' was adjusted to emphasize recreational vehicles and van conversions. Finally, all detailed machinery maintenance mechanics occupations from the OES were combined into one SOC occupation: ''Industrial Machinery Mechanics'' (47–4008).

In the Production Occupations major group, ''Fiberglass Laminators and Fabricators'' (49–2022) was added to the revised SOC. Printing occupations were condensed from nineteen OES occupations to two revised SOC occupations: ''Prepress Technicians and Workers'' (49–5005) and ''Printing Machine Operators'' (49–5006).

In the Transportation and Material Moving Occupations major group, the definition of ''Bus Drivers, Transit and Intercity'' (51–3011) was modified to include motor coach drivers, and ''Motor Coach Drivers'' was added as an associated title.

The following issues affected several major groups. The recommended title ''Early Childhood/Child Development Professionals'' was found to be too vague. Child development professionals can be classified under one of the following titles: ''Education Administrators, Preschool and Child-Care Center/Program'' (11–3031), ''Teachers, Preschool'' (27–1001), ''Teachers, Kindergarten'' (27–1002), or ''Child Care Workers'' (41–5001). Similarly, the recommended title ''Medical Coders'' was not added to the SOC, as medical coding is done as part of the work performed by individuals in a number of occupations, including ''Medical Records and Health Information Technicians'' (21–2044), ''File Clerks'' (33–5007), and ''Court Reporters, Medical Transcriptionists, and Stenographers'' (33–6001).

IV. Proposed 1997 SOC Detailed Occupations, Including Relationship To 1980 SOC

The proposed 1997 SOC structure, occupations, and coding system are presented below in two symmetrical tables. Table 1 is in the 1997 SOC order and maps the proposed detailed 1997 SOC occupations to the 1980 SOC occupations. This table is organized by the 22 major groups proposed by the Committee. Table 2 is in 1980 SOC order and maps the 1980 SOC occupations to the 1997 detailed SOC occupations. This table is organized according to the structure of the 1980 SOC.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
11–0000 MANAGEMENT OCCUPATIONS			
11–1000 TOP EXECUTIVES:			
11–1001	CHIEF EXECUTIVES	112	CHIEF EXECUTIVES AND GENERAL ADMINISTRATORS.
11–1002	GENERAL AND OPERATIONS MANAGERS.	1131	Judicial, Public Safety and Corrections Administrators.
		1133	Natural Resources Program Administrators.
		1134	Rural, Urban, and Community Development Program Administrators.
		121	GENERAL MANAGERS AND OTHER TOP EXECUTIVES.
		1352	Managers; Entertainment and Recreation Facilities.
		1354	Managers; Membership Organizations.
11–1003	LEGISLATORS	111	LEGISLATORS.
11–2000 OPERATIONS SPECIALTIES MANAGERS:			
11–2001	ADMINISTRATIVE SERVICES MANAGERS.	137	MANAGERS; ADMINISTRATIVE SERVICES.
11–2002	ADVERTISING AND PROMOTIONS MANAGERS.	*125	MANAGERS; MARKETING, ADVERTISING, AND PUBLIC RELATIONS.
11–2003	COMPUTER AND INFORMATION SYSTEMS MANAGERS.	*126	MANAGERS; ENGINEERING, MATHEMATICS, AND NATURAL SCIENCES.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
11–2010 FINANCIAL MANAGERS:			
11–2011	FINANCIAL MANAGERS, BRANCH, OFFICE, AND DEPARTMENT.	*122	FINANCIAL MANAGERS.
11–2012	TREASURERS, CONTROLLERS, AND CHIEF FINANCIAL OFFICERS.	1135	Public Finance, Taxation, and Other Monetary Program Administrators.
		*122	FINANCIAL MANAGERS.
11–2020 HUMAN RESOURCES MANAGERS:			
11–2021	COMPENSATION AND BENEFITS MANAGERS.	*123	PERSONNEL AND LABOR RELATIONS MANAGERS.
11–2022	TRAINING AND DEVELOPMENT MANAGERS.	*123	PERSONNEL AND LABOR RELATIONS MANAGERS.
11–2029	HUMAN RESOURCES MANAGERS, ALL OTHER.		
11–2031	INDUSTRIAL PRODUCTION MANAGERS.	132	PRODUCTION MANAGERS, INDUSTRIAL.
11–2040 MARKETING AND SALES MANAGERS:			
11–2041	MARKETING MANAGERS	*125	MANAGERS; MARKETING, ADVERTISING, AND PUBLIC RELATIONS.
11–2042	SALES MANAGERS	*125	MANAGERS; MARKETING, ADVERTISING, AND PUBLIC RELATIONS.
11–2051	PUBLIC RELATIONS MANAGERS	*125	MANAGERS; MARKETING, ADVERTISING, AND PUBLIC RELATIONS.
11–2052	PURCHASING MANAGERS	124	PURCHASING MANAGERS.
11–2053	TRANSPORTATION, STORAGE, AND DISTRIBUTION MANAGERS.	1342	Transportation Facilities and Operations Managers.
11–3000 OTHER MANAGERS:			
11–3010 AGRICULTURAL MANAGERS:			
11–3011	FARM, RANCH, AND OTHER AGRICULTURAL MANAGERS.	5522	Managers; General Farm.
		5523	Managers; Crop, Vegetable, Fruit and Tree Nut Farm.
		5524	Managers; Livestock, Dairy, Poultry and Fish Farm.
		5525	Managers; Horticultural Specialty Farm.
11–3012	FARMERS AND RANCHERS	5512	General Farmers.
		5513	Crop, Vegetable, Fruit and Tree Nut Farmers.
		5514	Livestock, Dairy, Poultry and Fish Farmers.
		5515	Horticultural Specialty Farmers.
11–3021	CONSTRUCTION MANAGERS	133	CONSTRUCTION MANAGERS.
11–3030 EDUCATION ADMINISTRATORS:			
11–3031	EDUCATION ADMINISTRATORS, PRESCHOOL AND CHILD CARE CENTER/PROGRAM.	*1283	Administrators; Education and Related Fields, Not Elsewhere Classified.
11–3032	EDUCATION ADMINISTRATORS, ELEMENTARY AND SECONDARY SCHOOL.	1282	Administrators; Elementary and Secondary Education.
11–3033	EDUCATION ADMINISTRATORS, POSTSECONDARY.	1281	Administrators; Colleges and Universities.
11–3039	EDUCATION ADMINISTRATORS, ALL OTHER.	*1283	Administrators; Education and Related Fields, Not Elsewhere Classified.
11–3041	ENGINEERING MANAGERS	*126	MANAGERS; ENGINEERING, MATHEMATICS, AND NATURAL SCIENCES.
11–3042	FOOD SERVICE MANAGERS	*1351	Managers; Food Serving and Lodging Establishments.
11–3043	LODGING MANAGERS	*1351	Managers; Food Serving and Lodging Establishments.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
11–3044	MEDICAL AND HEALTH SERVICES MANAGERS.	131	MANAGERS; MEDICINE AND HEALTH.
11–3045	NATURAL SCIENCES MANAGERS	*126	MANAGERS; ENGINEERING, MATHEMATICS, AND NATURAL SCIENCES.
		127	MANAGERS; SOCIAL SCIENCES AND RELATED FIELDS.
		128	ADMINISTRATORS; EDUCATION AND RELATED FIELDS.
11–3046	POSTMASTERS AND MAIL SUPERINTENDENTS.	1344	Postmasters and Mail Superintendents.
11–3047	PROPERTY, REAL ESTATE, AND COMMUNITY ASSOCIATION MANAGERS.	1353	Managers; Property and Leasing.
11–3048	SOCIAL AND COMMUNITY SERVICE MANAGERS.	1132	Human Resources Program Administrators.
11–3999	MANAGERS AND ADMINISTRATORS, ALL OTHER.	*139	OFFICIALS AND ADMINISTRATORS; OTHER, NOT ELSEWHERE CLASSIFIED.
		1139	Officials and Administrators, Public Administration, Not Elsewhere Classified.
		1359	Managers; Service Organizations, Not Elsewhere Classified.
13–0000 BUSINESS AND FINANCIAL OPERATIONS OCCUPATIONS			
13–1000 BUSINESS OPERATIONS SPECIALISTS:			
13–1001	AGENTS AND BUSINESS MANAGERS OF ARTISTS, PERFORMERS, AND ATHLETES.	145	BUSINESS AND PROMOTION AGENTS.
13–1002	BUYERS AND PURCHASING AGENTS.	1442	Buyers, Wholesale and Retail Trade, except Farm Products.
		1443	Purchasing Agents and Buyers, Farm Products.
		1449	Purchasing Agents and Buyers, Not Elsewhere Classified.
13–1003	COST ESTIMATORS	*149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
13–1004	EMERGENCY MANAGEMENT SPECIALISTS.	*5149	Protective Service Occupations, Not Elsewhere Classified.
13–1005	FUNERAL DIRECTORS	*139	OFFICIALS AND ADMINISTRATORS; OTHER, NOT ELSEWHERE CLASSIFIED.
13–1010 HUMAN RESOURCES, TRAINING, AND LABOR RELATIONS SPECIALISTS:			
13–1011	EMPLOYMENT, RECRUITMENT, AND PLACEMENT SPECIALISTS.	*143	PERSONNEL, TRAINING, AND LABOR RELATIONS SPECIALISTS.
13–1012	COMPENSATION, BENEFITS, AND JOB ANALYSIS SPECIALISTS.	*143	PERSONNEL, TRAINING, AND LABOR RELATIONS SPECIALISTS.
13–1013	TRAINING AND DEVELOPMENT SPECIALISTS.	*143	PERSONNEL, TRAINING, AND LABOR RELATIONS SPECIALISTS.
13–1019	HUMAN RESOURCES AND LABOR RELATIONS SPECIALISTS, ALL OTHER.	*143	PERSONNEL, TRAINING, AND LABOR RELATIONS SPECIALISTS.
13–1021	LOGISTICIANS	1721	Operations Researchers and Analysts.
13–1022	MANAGEMENT ANALYSTS	142	MANAGEMENT ANALYSTS.
13–1023	MEETING AND CONVENTION PLANNERS.	*149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
13–1099	BUSINESS OPERATIONS SPECIALISTS, ALL OTHER.	*149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
13–2000 FINANCIAL SPECIALISTS:			
13–2001	ACCOUNTANTS AND AUDITORS	1412	Accountants and Auditors.
13–2002	ASSESSORS AND REAL ESTATE APPRAISERS.	444	APPRAISERS AND RELATED OCCUPATIONS.
13–2003	BUDGET ANALYSTS	*149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
13–2004	CREDIT ANALYSTS	*149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
13–2010 FINANCIAL ANALYSTS AND ADVISORS:			
13–2011	FINANCIAL ANALYSTS	*1419	Other Financial Officers.
13–2012	PERSONAL FINANCIAL ADVISORS	*1419	Other Financial Officers.
13–2021	INSURANCE UNDERWRITERS	1414	Underwriters.
13–2030 LOAN OFFICERS AND COUNSELORS:			
13–2031	LOAN COUNSELORS	*1415	Loan Officers.
13–2032	LOAN OFFICERS	*1415	Loan Officers.
13–2041	TAX PREPARERS	*4712	Bookkeepers and Accounting and Auditing Clerks.
13–2099	FINANCIAL SPECIALISTS, ALL OTHER.	*149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
15–0000 COMPUTER AND MATHEMATICAL OCCUPATIONS			
15–1000 COMPUTER SPECIALISTS:			
15–1001	COMPUTER AND INFORMATION SCIENTISTS, RESEARCH.	*1719	Computer Scientists, Not Elsewhere Classified.
15–1002	COMPUTER PROGRAMMERS	3971	Programmers, Business.
		3972	Programmers, Scientific.
15–1010 COMPUTER SOFTWARE ENGINEERS:			
15–1011	COMPUTER SOFTWARE APPLICATIONS ENGINEERS.	*1719	Computer Scientists, Not Elsewhere Classified.
15–1012	COMPUTER SOFTWARE ENGINEERS, OPERATING SYSTEMS.	*1636	Computer Engineers.
15–1021	COMPUTER SUPPORT SPECIALISTS.	*1719	Computer Scientists, Not Elsewhere Classified.
15–1022	DATABASE ADMINISTRATORS	*1719	Computer Scientists, Not Elsewhere Classified.
15–1023	NETWORK AND COMPUTER SYSTEMS ADMINISTRATORS.	*1719	Computer Scientists, Not Elsewhere Classified.
15–1030 SYSTEMS ANALYSTS:			
15–1031	NETWORK SYSTEMS AND DATA COMMUNICATIONS ANALYSTS.	*1712	Computer Systems Analysts.
15–1032	SYSTEMS ANALYSTS, SCIENCE AND ENGINEERING.	*1712	Computer Systems Analysts.
15–1039	SYSTEMS ANALYSTS, ALL OTHER	*1712	Computer Systems Analysts.
15–1099	COMPUTER SPECIALISTS, ALL OTHER.	*1719	Computer Scientists, Not Elsewhere Classified.
15–2000 MATHEMATICAL SCIENTISTS AND TECHNICIANS:			
15–2001	ACTUARIES	1732	Actuaries.
15–2002	MATHEMATICIANS	1739	Mathematical Scientists, Not Elsewhere Classified.
15–2003	OPERATIONS RESEARCHERS AND ANALYSTS.	1722	Systems Researchers and Analysts, Except Computer.
15–2004	STATISTICIANS	1733	Statisticians.
15–2099	MATHEMATICAL SCIENTISTS AND TECHNICIANS, ALL OTHER.	384	MATHEMATICAL TECHNICIANS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
17–0000 ARCHITECTURE AND ENGINEERING OCCUPATIONS			
17–1000 ARCHITECTS, SURVEYORS, AND CARTOGRAPHERS:			
17–1001	ARCHITECTS, EXCEPT LANDSCAPE AND NAVAL.	161	ARCHITECTS.
17–1010 SURVEYORS, CARTOGRAPHERS, AND PHOTOGRAMMETRISTS:			
17–1011	CARTOGRAPHERS AND PHOTOGRAMMETRISTS.	1644	Cartographers.
17–1012	SURVEYORS	1643	Land Surveyors.
		1649	Surveyors and Mapping Scientists, Not Elsewhere Classified.
17–2000 ENGINEERS:			
17–2001	AEROSPACE ENGINEERS	1622	Aerospace Engineers.
17–2002	AGRICULTURAL ENGINEERS	1632	Agricultural Engineers.
17–2003	BIOMEDICAL ENGINEERS	*1639	Engineers, Not Elsewhere Classified.
17–2004	CHEMICAL ENGINEERS	1626	Chemical Engineers.
17–2005	CIVIL ENGINEERS	*1628	Civil Engineers.
17–2006	COMPUTER HARDWARE ENGINEERS.	*1636	Computer Engineers.
17–2010 ELECTRICAL AND ELECTRONICS ENGINEERS:			
17–2011	ELECTRICAL ENGINEERS	*1633	Electrical and Electronic Engineers.
17–2012	ELECTRONICS ENGINEERS, EXCEPT COMPUTER.	*1633	Electrical and Electronic Engineers.
17–2021	ENVIRONMENTAL ENGINEERS	*1628	Civil Engineers.
17–2030 INDUSTRIAL ENGINEERS, INCLUDING HEALTH AND SAFETY:			
17–2031	HEALTH AND SAFETY ENGINEERS, EXCEPT MINING SAFETY ENGINEERS AND INSPECTORS.	*1639	Engineers, Not Elsewhere Classified.
17–2032	INDUSTRIAL ENGINEERS	1634	Industrial Engineers.
17–2041	MARINE ENGINEERS AND NAVAL ARCHITECTS.	1637	Marine Engineers and Naval Architects.
17–2042	MATERIALS ENGINEERS	1623	Metallurgical and Materials Engineers.
17–2043	MECHANICAL ENGINEERS	1635	Mechanical Engineers.
17–2044	MINING AND GEOLOGICAL ENGINEERS, INCLUDING MINE SAFETY ENGINEERS.	1624	Mining Engineers.
17–2045	NUCLEAR ENGINEERS	1627	Nuclear Engineers.
17–2046	PETROLEUM ENGINEERS	1625	Petroleum Engineers.
17–2099	ENGINEERS, ALL OTHER	*1639	Engineers, Not Elsewhere Classified.
17–3000 ARCHITECTURAL, ENGINEERING, AND MAPPING TECHNICIANS:			
17–3010 DRAFTERS:			
17–3011	ARCHITECTURAL AND CIVIL DRAFTERS.	*372	DRAFTING OCCUPATIONS.
17–3012	ELECTRICAL AND ELECTRONICS DRAFTERS.	*372	DRAFTING OCCUPATIONS.
17–3013	MECHANICAL DRAFTERS	*372	DRAFTING OCCUPATIONS.
17–3019	DRAFTERS, ALL OTHER	*372	DRAFTING OCCUPATIONS.
17–3021	ARCHITECTURAL TECHNICIANS, EXCEPT DRAFTERS.	*3719	Engineering Technologists and Technicians, Not Elsewhere Classified.
17–3030 ENGINEERING TECHNICIANS, EXCEPT DRAFTERS:			
17–3031	AEROSPACE ENGINEERING AND OPERATIONS TECHNICIANS.	*3719	Engineering Technologists and Technicians, Not Elsewhere Classified.
17–3032	CIVIL ENGINEERING TECHNICIANS.	*399	TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
17–3033	ELECTRICAL AND ELECTRONIC ENGINEERING TECHNICIANS.	*3711	Electrical and Electronic Engineering Technologists and Technicians.
17–3034	ELECTRO-MECHANICAL TECHNICIANS.	*3711	Electrical and Electronic Engineering Technologists and Technicians.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
17–3035	ENVIRONMENTAL ENGINEERING TECHNICIANS.	*3719	Engineering Technologists and Technicians, Not Elsewhere Classified.
17–3036	INDUSTRIAL ENGINEERING TECHNICIANS.	3712	Industrial Engineering Technologists and Technicians.
17–3037	MECHANICAL ENGINEERING TECHNICIANS.	3713	Mechanical Engineering Technologists and Technicians.
17–3039	ENGINEERING TECHNICIANS, EXCEPT DRAFTERS, ALL OTHER.	*3719	Engineering Technologists and Technicians, Not Elsewhere Classified.
17–3041	SURVEYING AND MAPPING TECHNICIANS.	3733	Surveying Technicians.
		3734	Cartographic Technicians.
		3739	Surveying and Mapping Technicians, Not Elsewhere Classified.
19–0000 LIFE, PHYSICAL, AND SOCIAL SCIENCE OCCUPATIONS			
19–1000 LIFE SCIENTISTS:			
19–1010 AGRICULTURAL AND FOOD SCIENTISTS:			
19–1011	ANIMAL SCIENTISTS	*1853	Agricultural and Food Scientists.
19–1012	FOOD SCIENTISTS AND TECHNOLOGISTS.	*1853	Agricultural and Food Scientists.
19–1013	SOIL AND PLANT SCIENTISTS	*1853	Agricultural and Food Scientists.
19–1020 BIOLOGICAL SCIENTISTS:			
19–1021	BIOCHEMISTS AND BIOPHYSICISTS.	*1854	Biological Scientists.
19–1022	MICROBIOLOGISTS	*1854	Biological Scientists.
19–1023	ZOOLOGISTS AND WILDLIFE BIOLOGISTS.	*1854	Biological Scientists.
19–1029	BIOLOGISTS, ALL OTHER	*1854	Biological Scientists.
19–1030 CONSERVATION SCIENTISTS AND FORESTERS:			
19–1031	CONSERVATION SCIENTISTS	*1852	Forestry and Conservation Scientists.
19–1032	FORESTERS	*1852	Forestry and Conservation Scientists.
19–1041	MEDICAL SCIENTISTS	1855	Medical Scientists.
19–1099	LIFE SCIENTISTS, ALL OTHER	185	LIFE SCIENTISTS.
19–2000 PHYSICAL SCIENTISTS:			
19–2001	ASTRONOMERS	1842	Astronomers.
19–2002	ATMOSPHERIC AND SPACE SCIENTISTS.	1846	Atmospheric and Space Scientists.
19–2003	CHEMISTS	1845	Chemists, Except Biochemists.
19–2004	ENVIRONMENTAL SCIENTISTS	*1849	Physical Scientists, Not Elsewhere Classified.
19–2010 GEOSCIENTISTS:			
19–2011	GEOSCIENTISTS, EXCEPT HYDROLOGISTS AND GEOGRAPHERS.	*1847	Geologists.
19–2012	HYDROLOGISTS	*1847	Geologists.
19–2021	MATERIALS SCIENTISTS	*1849	Physical Scientists, Not Elsewhere Classified.
19–2022	PHYSICISTS	1843	Physicists.
19–2099	PHYSICAL SCIENTISTS, ALL OTHER.	*1849	Physical Scientists, Not Elsewhere Classified.
19–3000 SOCIAL SCIENTISTS AND RELATED WORKERS:			
19–3001	ANTHROPOLOGISTS AND ARCHEOLOGISTS.	*1919	Social Scientists, Not Elsewhere Classified.
19–3002	ECONOMISTS	*1912	Economists.
19–3003	GEOGRAPHERS	*1849	Physical Scientists, Not Elsewhere Classified.
19–3004	HISTORIANS	1913	Historians.
19–3010 MARKET AND SURVEY RESEARCHERS:			
19–3011	MARKET RESEARCH ANALYSTS	*1912	Economists.
19–3012	SURVEY RESEARCHERS	*1912	Economists.
19–3021	POLITICAL SCIENTISTS	1914	Political Scientists.
19–3030 PSYCHOLOGISTS:			

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
19–3031	CLINICAL, COUNSELING, AND SCHOOL PSYCHOLOGISTS.	*1915	Psychologists.
19–3032	INDUSTRIAL-ORGANIZATIONAL PSYCHOLOGISTS.	*1915	Psychologists.
19–3039	PSYCHOLOGISTS, ALL OTHER	*1915	Psychologists.
19–3041	SOCIOLOGISTS	1916	Sociologists.
19–3042	URBAN AND REGIONAL PLANNERS.	192	URBAN AND REGIONAL PLANNERS.
19–3099	SOCIAL SCIENTISTS AND RELATED WORKERS, ALL OTHER.	*1919	Social Scientists, Not Elsewhere Classified.
19–4000 LIFE, PHYSICAL, AND SOCIAL SCIENCE TECHNICIANS:			
19–4001	AGRICULTURAL AND FOOD SCIENCE TECHNICIANS.	*382	BIOLOGICAL TECHNOLOGISTS AND TECHNICIANS, EXCEPT HEALTH.
19–4002	BIOLOGICAL TECHNICIANS	*382	BIOLOGICAL TECHNOLOGISTS AND TECHNICIANS, EXCEPT HEALTH.
19–4003	CHEMICAL TECHNICIANS	3831	Chemical Technologists and Technicians.
19–4004	ENVIRONMENTAL SCIENCE TECHNICIANS.	*389	SCIENCE TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
19–4005	FORENSIC SCIENCE TECHNICIANS.	*389	SCIENCE TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
19–4006	FOREST AND CONSERVATION TECHNICIANS.	*382	BIOLOGICAL TECHNOLOGISTS AND TECHNICIANS, EXCEPT HEALTH.
19–4007	GEOLOGICAL AND PETROLEUM TECHNICIANS.	3833	Petroleum Technologists and Technicians.
19–4008	NUCLEAR TECHNICIANS	3832	Nuclear Technologists and Technicians.
19–4011	SOCIAL SCIENCE TECHNICIANS	*389	SCIENCE TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
19–4099	LIFE AND PHYSICAL SCIENCE TECHNICIANS, ALL OTHER.	*389	SCIENCE TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–0000 HEALTH OCCUPATIONS			
21–1000 HEALTH DIAGNOSING AND TREATING PRACTITIONERS:			
21–1001	CHIROPRACTORS	*289	HEALTH DIAGNOSING AND TREATING PRACTITIONERS, NOT ELSEWHERE CLASSIFIED.
21–1010 DENTISTS:			
21–1011	DENTISTS, GENERAL	*262	DENTISTS.
21–1012	PROSTHODONTISTS	*262	DENTISTS.
21–1013	ORTHODONTISTS	*262	DENTISTS.
21–1014	ORAL AND MAXILLOFACIAL SURGEONS.	*262	DENTISTS.
21–1019	DENTISTS, ALL OTHER SPECIALISTS.		
21–1021	DIETITIANS AND NUTRITIONISTS	*302	DIETITIANS.
21–1022	OPTOMETRISTS	281	OPTOMETRISTS.
21–1023	PHARMACISTS	301	PHARMACISTS.
21–1030 PHYSICIANS AND SURGEONS:			
21–1031	ANESTHESIOLOGISTS	*261	PHYSICIANS.
21–1032	FAMILY AND GENERAL PRACTITIONERS.	*261	PHYSICIANS.
21–1033	INTERNISTS, GENERAL	*261	PHYSICIANS.
21–1034	OBSTETRICIANS AND GYNECOLOGISTS.	*261	PHYSICIANS.
21–1035	PEDIATRICIANS, GENERAL	*261	PHYSICIANS.
21–1036	PSYCHIATRISTS	*261	PHYSICIANS.
21–1037	SURGEONS	*261	PHYSICIANS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
21–1039	PHYSICIANS, ALL OTHER SPECIALISTS.	*261	PHYSICIANS.
21–1041	PHYSICIAN ASSISTANTS	304	PHYSICIAN'S ASSISTANTS.
21–1042	PODIATRISTS	283	PODIATRISTS.
21–1043	REGISTERED NURSES	29	REGISTERED NURSES.
21–1050 THERAPISTS:			
21–1051	AUDIOLOGISTS	*3034	Speech Pathologists and Audiologists.
21–1052	OCCUPATIONAL THERAPISTS	3032	Occupational Therapists.
21–1053	PHYSICAL THERAPISTS	3033	Physical Therapists.
21–1054	RADIATION THERAPISTS	*365	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.
21–1055	RECREATIONAL THERAPISTS	*3039	Therapists, Not Elsewhere Classified.
21–1056	RESPIRATORY THERAPISTS	*3031	Respiratory Therapists.
21–1057	SPEECH-LANGUAGE PATHOLOGISTS.	*3034	Speech Pathologists and Audiologists.
21–1059	THERAPISTS, ALL OTHER	*3039	Therapists, Not Elsewhere Classified.
21–1061	VETERINARIANS	27	VETERINARIANS.
21–1099	HEALTH DIAGNOSING AND TREATING PRACTITIONERS, ALL OTHER, INCLUDING ALTERNATIVE HEALTH CARE PROVIDERS.	*289	HEALTH DIAGNOSING AND TREATING PRACTITIONERS, NOT ELSEWHERE CLASSIFIED.
21–2000 HEALTH TECHNOLOGISTS AND TECHNICIANS:			
21–2001	CARDIOVASCULAR TECHNOLOGISTS AND TECHNICIANS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–2010 CLINICAL LABORATORY TECHNOLOGISTS AND TECHNICIANS:			
21–2011	MEDICAL AND CLINICAL LABORATORY TECHNICIANS.	*362	CLINICAL LABORATORY TECHNOLOGISTS AND TECHNICIANS.
21–2012	MEDICAL AND CLINICAL LABORATORY TECHNOLOGISTS.	*362	CLINICAL LABORATORY TECHNOLOGISTS AND TECHNICIANS.
21–2021	DENTAL HYGIENISTS	363	DENTAL HYGIENISTS.
21–2030 DIAGNOSTIC IMAGING TECHNICIANS:			
21–2031	DIAGNOSTIC MEDICAL SONOGRAPHERS.	*365	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.
21–2032	NUCLEAR MEDICINE TECHNOLOGISTS.	*365	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.
21–2033	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.	*365	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.
21–2041	DIETETIC TECHNICIANS	*302	DIETITIANS.
21–2042	EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–2043	LICENSED PRACTICAL AND LICENSED VOCATIONAL NURSES.	366	LICENSED PRACTICAL NURSES.
21–2044	MEDICAL RECORDS AND HEALTH INFORMATION TECHNICIANS.	364	HEALTH RECORD TECHNOLOGISTS AND TECHNICIANS.
21–2045	OPTICIANS, DISPENSING	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–2046	PHARMACY TECHNICIANS	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–2047	PSYCHIATRIC TECHNICIANS	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–2048	RESPIRATORY THERAPY TECHNICIANS.	*3031	Respiratory Therapists.
21–2051	SURGICAL TECHNOLOGISTS	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
21–2052	VETERINARY TECHNOLOGISTS AND TECHNICIANS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–2099	HEALTH TECHNOLOGISTS AND TECHNICIANS, ALL OTHER.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–3000 HEALTH SERVICE ASSISTANTS AND ATTENDANTS:			
21–3001	DENTAL ASSISTANTS	5232	Dental Assistants.
21–3002	HOME HEALTH AIDES	*5233	Health Aides, Except Nursing.
21–3003	MEDICAL ASSISTANTS	*5233	Health Aides, Except Nursing.
21–3004	NURSING AIDES, ORDERLIES, AND ATTENDANTS.	5236	Nursing Aides, Orderlies, and Attendants.
21–3010 OCCUPATIONAL THERAPY ASSISTANTS AND AIDES:			
21–3011	OCCUPATIONAL THERAPY AIDES	*5233	Health Aides, Except Nursing.
21–3012	OCCUPATIONAL THERAPY ASSISTANTS.	*5233	Health Aides, Except Nursing.
21–3021	PHARMACY AIDES	*5233	Health Aides, Except Nursing.
21–3022	PHLEBOTOMISTS	*5233	Health Aides, Except Nursing.
21–3030 PHYSICAL THERAPY ASSISTANTS AND AIDES:			
21–3031	PHYSICAL THERAPY AIDES	*5233	Health Aides, Except Nursing.
21–3032	PHYSICAL THERAPY ASSISTANTS	*5233	Health Aides, Except Nursing.
21–3041	PSYCHIATRIC AIDES	*5233	Health Aides, Except Nursing.
21–3099	HEALTH SERVICE ASSISTANTS AND ATTENDANTS, ALL OTHER.	523	HEALTH SERVICE OCCUPATIONS.
21–4000 OTHER HEALTH-RELATED WORKERS:			
21–4001	ATHLETIC TRAINERS	*34	ATHLETES AND RELATED WORKERS.
21–4002	HEALTH SERVICE COORDINATORS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–4003	MEDICAL EQUIPMENT PREPARERS.	*5233	Health Aides, Except Nursing.
21–4010 OCCUPATIONAL HEALTH AND SAFETY SPECIALISTS AND TECHNICIANS:			
21–4011	OCCUPATIONAL HEALTH AND SAFETY SPECIALISTS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–4012	OCCUPATIONAL HEALTH AND SAFETY TECHNICIANS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–4021	ORTHOTISTS AND PROSTHETISTS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
21–4999	HEALTH-RELATED WORKERS, ALL OTHER.	*289	HEALTH DIAGNOSING AND TREATING PRACTITIONERS, NOT ELSEWHERE CLASSIFIED.
23–0000 COMMUNITY AND SOCIAL SERVICES OCCUPATIONS			
23–1000 PSYCHOSOCIAL, COMMUNITY, AND BEHAVIORAL WORKERS:			
23–1010 COUNSELORS, EXCEPT EDUCATIONAL, VOCATIONAL, AND SCHOOL:			
23–1011	ALCOHOL AND SUBSTANCE ABUSE COUNSELORS.	*2032	Social Workers.
23–1012	MARRIAGE AND FAMILY COUNSELORS AND THERAPISTS.	*2032	Social Workers.
23–1013	MENTAL HEALTH COUNSELORS	*2032	Social Workers.
23–1014	REHABILITATION COUNSELORS	*2032	Social Workers.
23–1019	COUNSELORS, EXCEPT EDUCATIONAL, VOCATIONAL, AND SCHOOL, ALL OTHER.	*2032	Social Workers.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
23–1020 SOCIAL WORKERS:			
23–1021	CHILD, FAMILY, AND SCHOOL SOCIAL WORKERS.	*2032	Social Workers.
23–1022	MEDICAL AND PUBLIC HEALTH SOCIAL WORKERS.	*2032	Social Workers.
23–1023	MENTAL HEALTH AND SUBSTANCE ABUSE SOCIAL WORKERS.	*2032	Social Workers.
23–1029	SOCIAL WORKERS, ALL OTHER ...	*2032	Social Workers.
23–1030 OTHER COMMUNITY AND SOCIAL SERVICE WORKERS:			
23–1031	PROBATION OFFICERS AND CORRECTIONAL TREATMENT SPECIALISTS.	*2032	Social Workers.
23–1032	RECREATION WORKERS	2033	Recreation Workers.
23–1033	SOCIAL AND HUMAN SERVICE ASSISTANTS.	*2032	Social Workers.
23–2000 RELIGIOUS WORKERS:			
23–2001	CLERGY	2042	Clergy.
23–2002	DIRECTORS, RELIGIOUS ACTIVITIES AND EDUCATION.	*2049	Religious Workers, Not Elsewhere Classified.
23–2099	RELIGIOUS WORKERS, ALL OTHER.	*2049	Religious Workers, Not Elsewhere Classified.
25–0000 LEGAL OCCUPATIONS			
25–1000 LEGAL OCCUPATIONS:			
25–1001	ADJUDICATORS, HEARINGS OFFICERS, AND JUDICIAL REVIEWERS.	*212	JUDGES.
25–1002	ARBITRATORS, MEDIATORS, AND CONCILIATORS.	*211	LAWYERS.
25–1010 COMPLIANCE OFFICERS AND ENFORCEMENT INSPECTORS:			
25–1011	CONSTRUCTION AND BUILDING INSPECTORS.	1472	Construction Inspectors.
25–1012	FINANCIAL EXAMINERS	*1473	Inspectors and Compliance Officers, except Construction.
25–1013	SAFETY AND HEALTH INSPECTORS AND COMPLIANCE OFFICERS, EXCEPT CONSTRUCTION.	*1473	Inspectors and Compliance Officers, except Construction.
25–1014	TAX EXAMINERS, COLLECTORS, AND REVENUE AGENTS.	*1473	Inspectors and Compliance Officers, except Construction.
25–1019	COMPLIANCE OFFICERS AND ENFORCEMENT INSPECTORS, ALL OTHER.	*1473	Inspectors and Compliance Officers, except Construction.
25–1021	JUDGES AND MAGISTRATES	*212	JUDGES.
25–1022	LAW CLERKS	*396	LEGAL TECHNICIANS.
25–1023	LAWYERS	*211	LAWYERS.
25–1024	PARALEGALS AND LEGAL ASSISTANTS.	*396	LEGAL TECHNICIANS.
25–1025	TITLE EXAMINERS, ABSTRACTORS, AND SEARCHERS.	*396	LEGAL TECHNICIANS.
25–1999	LEGAL WORKERS, ALL OTHER	21	LAWYERS AND JUDGES.
27–0000 EDUCATION, TRAINING, AND LIBRARY OCCUPATIONS			
27–1000 TEACHERS, PRIMARY, SECONDARY, AND SPECIAL EDUCATION:			
27–1001	TEACHERS, PRESCHOOL	*231	PREKINDERGARTEN AND KINDERGARTEN TEACHERS.
27–1002	TEACHERS, KINDERGARTEN	*231	PREKINDERGARTEN AND KINDERGARTEN TEACHERS.
27–1003	TEACHERS, ELEMENTARY SCHOOL.	*232	ELEMENTARY SCHOOL TEACHERS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
27–1004	TEACHERS, MIDDLE SCHOOL	*232	ELEMENTARY SCHOOL TEACHERS.
27–1005	TEACHERS, SECONDARY SCHOOL.	233	SECONDARY SCHOOL TEACHERS.
27–1006	SPECIAL EDUCATION TEACHERS	235	TEACHERS; SPECIAL EDUCATION.
27–2000 TEACHERS, POSTSECONDARY:			
27–2001	BUSINESS TEACHERS, POSTSECONDARY.	2233	Business, Commerce and Marketing Teachers.
27–2010 MATH AND COMPUTER TEACHERS, POSTSECONDARY:			
27–2011	COMPUTER SCIENCE TEACHERS, POSTSECONDARY.	2228	Computer Science Teachers.
		*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2012	MATHEMATICAL SCIENCE TEACHERS, POSTSECONDARY.	2227	Mathematical Sciences Teachers.
27–2020 ENGINEERING AND ARCHITECTURE TEACHERS, POSTSECONDARY:			
27–2021	ARCHITECTURE TEACHERS, POSTSECONDARY.	*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2022	ENGINEERING TEACHERS, POSTSECONDARY.	2226	Engineering Teachers.
27–2030 LIFE SCIENCES TEACHERS, POSTSECONDARY:			
27–2031	AGRICULTURAL SCIENCES TEACHERS, POSTSECONDARY.	2234	Agriculture Teachers.
27–2032	BIOLOGICAL SCIENCE TEACHERS	2213	Biological Sciences Teachers.
27–2033	FORESTRY AND CONSERVATION SCIENCE TEACHERS, POSTSECONDARY.	*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2040 PHYSICAL SCIENCES TEACHERS, POSTSECONDARY:			
27–2041	ATMOSPHERIC, EARTH, MARINE, AND SPACE SCIENCES TEACHERS.	2212	Atmospheric, Earth, Marine, and Space Sciences Teachers.
27–2042	CHEMISTRY TEACHERS, POSTSECONDARY.	2214	Chemistry Teachers.
27–2043	ENVIRONMENTAL SCIENCE TEACHERS, POSTSECONDARY.	*2216	Natural Sciences Teachers, Not Elsewhere Classified.
27–2050 SOCIAL SCIENCES TEACHERS, POSTSECONDARY:			
27–2051	ANTHROPOLOGY AND ARCHEOLOGY TEACHERS, POSTSECONDARY.	*2224	Sociology Teachers.
27–2052	AREA, ETHNIC, AND CULTURAL STUDIES TEACHERS, POSTSECONDARY.	*2225	Social Sciences Teachers, Not Elsewhere Classified.
27–2053	ECONOMICS TEACHERS, POSTSECONDARY.	2218	Economics Teachers.
27–2054	GEOGRAPHY TEACHERS, POSTSECONDARY.	*2225	Social Sciences Teachers, Not Elsewhere Classified.
27–2055	PHYSICS TEACHERS, POSTSECONDARY.	2215	Physics Teachers.
27–2056	POLITICAL SCIENCE TEACHERS, POSTSECONDARY.	2223	Political Science Teachers.
27–2057	PSYCHOLOGY TEACHERS, POSTSECONDARY.	2217	Psychology Teachers.
27–2058	SOCIOLOGY TEACHERS, POSTSECONDARY.	*2224	Sociology Teachers.
27–2059	SOCIAL SCIENCES TEACHERS, POSTSECONDARY, ALL OTHER.	*2225	Social Sciences Teachers, Not Elsewhere Classified.
27–2060 HEALTH TEACHERS, POSTSECONDARY:			
27–2061	HEALTH SPECIALTIES TEACHERS, POSTSECONDARY.	2231	Medical Science Teachers.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
27–2062	NURSING INSTRUCTORS AND TEACHERS, POSTSECONDARY.	2232	Health Specialties Teachers, Not Elsewhere Classified.
27–2070 EDUCATION AND LIBRARY SCIENCE TEACHERS, POSTSECONDARY:			
27–2071	EDUCATION TEACHERS, POSTSECONDARY.	2237	Education Teachers.
27–2072	LIBRARY SCIENCE TEACHERS, POSTSECONDARY.	*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2080 LAW, CRIMINAL JUSTICE, AND SOCIAL SERVICES TEACHERS, POSTSECONDARY:			
27–2081	CRIMINAL JUSTICE AND LAW ENFORCEMENT TEACHERS, POSTSECONDARY.	*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2082	LAW TEACHERS, POSTSECONDARY.	2243	Law Teachers.
27–2083	SOCIAL WORK TEACHERS, POSTSECONDARY.	2244	Social Work Teachers.
27–2090 ARTS, COMMUNICATIONS, AND HUMANITIES TEACHERS, POSTSECONDARY:			
27–2091	ART, DRAMA, AND MUSIC TEACHERS, POSTSECONDARY.	2235	Art, Drama, and Music Teachers.
27–2092	COMMUNICATIONS TEACHERS, POSTSECONDARY.	*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2093	ENGLISH LANGUAGE AND LITERATURE TEACHERS, POSTSECONDARY.	2238	English Teachers.
27–2094	FOREIGN LANGUAGE AND LITERATURE TEACHERS, POSTSECONDARY.	2242	Foreign Language Teachers.
27–2095	HISTORY TEACHERS, POSTSECONDARY.	2222	History Teachers.
27–2096	PHILOSOPHY AND RELIGION TEACHERS, POSTSECONDARY.	2245	Theology Teachers.
		*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2100 OTHER POSTSECONDARY TEACHERS:			
27–2101	GRADUATE ASSISTANTS, TEACHING	*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–2102	HOME ECONOMICS TEACHERS, POSTSECONDARY	2247	Home Economics Teachers.
27–2103	RECREATION AND FITNESS STUDIES TEACHERS, POSTSECONDARY	*2236	Physical Education Teachers.
27–2109	POSTSECONDARY TEACHERS, ALL OTHER	*2216	Natural Sciences Teachers, Not Elsewhere Classified.
		*2249	Teachers; Postsecondary, Not Elsewhere Classified.
27–3000 OTHER TEACHERS AND INSTRUCTORS:			
27–3001	LITERACY, REMEDIAL EDUCATION, AND GED TEACHERS AND INSTRUCTORS.	*239	ADULT EDUCATION AND OTHER TEACHERS, NOT ELSEWHERE CLASSIFIED.
27–3002	SELF-ENRICHMENT EDUCATION TEACHERS.	*239	ADULT EDUCATION AND OTHER TEACHERS, NOT ELSEWHERE CLASSIFIED.
27–3003	VOCATIONAL EDUCATION AND TRAINING TEACHERS AND INSTRUCTORS.	2246	Trade and Industrial Teachers.
27–3099	TEACHERS AND INSTRUCTORS, ALL OTHER.	*239	ADULT EDUCATION AND OTHER TEACHERS, NOT ELSEWHERE CLASSIFIED.
27–4000	LIBRARIANS, CURATORS, AND ARCHIVISTS.	.....	
27–4010 ARCHIVISTS, CURATORS, AND MUSEUM TECHNICIANS:			

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
27–4011	ARCHIVISTS	*252	ARCHIVISTS AND CURATORS.
27–4012	CURATORS	*252	ARCHIVISTS AND CURATORS.
27–4013	MUSEUM TECHNICIANS AND CONSERVATORS.	*252	ARCHIVISTS AND CURATORS.
27–4021	LIBRARIANS	251	LIBRARIANS.
27–4022	LIBRARY TECHNICIANS AND ASSISTANTS.	4694	Library Clerks.
27–5000 OTHER EDUCATION AND TRAINING SPECIALISTS:			
27–5001	AUDIO-VISUAL COLLECTIONS SPECIALISTS.	*329	WRITERS, ARTISTS, AND RELATED WORKERS; NOT ELSEWHERE CLASSIFIED.
27–5002	EDUCATIONAL, VOCATIONAL, AND SCHOOL GUIDANCE COUNSELORS.	*24	VOCATIONAL AND EDUCATIONAL COUNSELORS.
27–5003	FARM AND HOME MANAGEMENT ADVISORS.	*239	ADULT EDUCATION AND OTHER TEACHERS, NOT ELSEWHERE CLASSIFIED.
27–5004	INSTRUCTIONAL COORDINATORS	236	INSTRUCTIONAL COORDINATORS.
27–5005	SPORTS AND PHYSICAL TRAINING INSTRUCTORS AND COACHES.	*2236	Physical Education Teachers.
		*34	ATHLETES AND RELATED WORKERS.
27–5006	TEACHER AIDES	4795	Teacher Aides.
29–0000 ARTS, DESIGN, ENTERTAINMENT, MEDIA, AND SPORTS OCCUPATIONS			
29–1000 ARTS AND ENTERTAINMENT WORKERS:			
29–1010 ARTISTS AND RELATED WORKERS.			
29–1011	ART DIRECTORS	*325	PAINTERS, SCULPTORS, CRAFT-ARTISTS AND ARTIST-PRINTMAKERS.
29–1012	CRAFT ARTISTS	*325	PAINTERS, SCULPTORS, CRAFT-ARTISTS AND ARTIST-PRINTMAKERS.
29–1013	FINE ARTISTS, INCLUDING PAINTERS, SCULPTORS, AND ILLUSTRATORS.	*325	PAINTERS, SCULPTORS, CRAFT-ARTISTS AND ARTIST-PRINTMAKERS.
29–1014	MULTI-MEDIA ARTISTS AND ANIMATORS.	*325	PAINTERS, SCULPTORS, CRAFT-ARTISTS AND ARTIST-PRINTMAKERS.
29–1019	ARTISTS AND RELATED WORKERS, ALL OTHER.	*329	WRITERS, ARTISTS, AND RELATED WORKERS; NOT ELSEWHERE CLASSIFIED.
29–1020 ATHLETES, COACHES, UMPIRES, AND RELATED WORKERS:			
29–1021	ATHLETES AND SPORTS COMPETITORS.	*34	ATHLETES AND RELATED WORKERS.
29–1022	COACHES AND SCOUTS	*34	ATHLETES AND RELATED WORKERS.
29–1023	UMPIRES, REFEREES, AND OTHER SPORTS OFFICIALS.	*34	ATHLETES AND RELATED WORKERS.
29–1030 PERFORMERS AND ENTERTAINERS:			
29–1031	ACTORS	*324	ACTORS AND DIRECTORS.
29–1032	DANCERS AND CHOREOGRAPHERS.	327	DANCERS.
29–1033	MUSIC DIRECTORS AND COMPOSERS.	*323	MUSICIANS AND COMPOSERS.
29–1034	MUSICIANS AND SINGERS	*323	MUSICIANS AND COMPOSERS.
29–1035	PRODUCERS AND DIRECTORS	*324	ACTORS AND DIRECTORS.
29–1039	PERFORMERS AND ENTERTAINERS, ALL OTHER.	328	PERFORMERS, NOT ELSEWHERE CLASSIFIED.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
29–2000 COMMUNICATIONS AND MEDIA WORKERS:			
29–2001	ANNOUNCERS	333	RADIO, TELEVISION AND OTHER ANNOUNCERS.
29–2002	BROADCAST NEWS ANALYSTS	*3313	Reporters.
29–2003	BROADCAST TECHNICIANS	*393	RADIO AND RELATED OPERATORS.
29–2004	CAMERA OPERATORS, TELEVISION, VIDEO, AND MOTION PICTURE.	*326	PHOTOGRAPHERS.
29–2005	EDITORS	3312	Editors.
29–2006	FILM AND VIDEO EDITORS	*326	PHOTOGRAPHERS.
29–2007	INTERPRETERS AND TRANSLATORS.	*399	TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
29–2008	MOTION PICTURE PROJECTIONISTS.	*7479	Miscellaneous Machine Setup Operators.
29–2011	PHOTOGRAPHERS	*326	PHOTOGRAPHERS.
29–2012	PUBLIC RELATIONS SPECIALISTS	332	PUBLIC RELATIONS SPECIALISTS AND PUBLICITY WRITERS.
29–2013	RADIO OPERATORS	*393	RADIO AND RELATED OPERATORS.
29–2014	REPORTERS AND CORRESPONDENTS.	*3313	Reporters.
29–2015	SOUND ENGINEERING TECHNICIANS.	*399	TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
29–2020 WRITERS:			
29–2021	TECHNICAL WRITERS	398	TECHNICAL WRITERS.
29–2022	WRITERS AND AUTHORS	321	AUTHORS.
29–2099	COMMUNICATIONS AND MEDIA WORKERS, ALL OTHER.		
29–3000 DESIGNERS:			
29–3001	COMMERCIAL AND INDUSTRIAL DESIGNERS.	*322	DESIGNERS.
29–3002	FASHION DESIGNERS	*322	DESIGNERS.
29–3003	FLORAL DESIGNERS	*322	DESIGNERS.
29–3004	GRAPHIC DESIGNERS	*322	DESIGNERS.
29–3005	INTERIOR DESIGNERS	*322	DESIGNERS.
29–3006	LANDSCAPE ARCHITECTS	*322	DESIGNERS.
29–3007	MERCHANDISE DISPLAYERS AND WINDOW TRIMMERS.	*322	DESIGNERS.
29–3008	SET AND EXHIBIT DESIGNERS	*322	DESIGNERS.
29–3099	DESIGNERS, ALL OTHER	*322	DESIGNERS.
31–0000 SALES OCCUPATIONS			
31–1000 SALES SUPERVISORS:			
31–1001	FIRST-LINE SUPERVISORS/MANAGERS OF RETAIL STORE WORKERS.	403	SUPERVISORS; SALES OCCUPATIONS, RETAIL.
31–1002	FIRST-LINE SUPERVISORS/MANAGERS OF NON-RETAIL SALES WORKERS.	401	SUPERVISORS; SALES OCCUPATIONS, INSURANCE, REAL ESTATE, AND BUSINESS SERVICES.
		402	SUPERVISORS; SALES OCCUPATIONS, COMMODITIES EXCEPT RETAIL.
31–2000 SALES WORKERS:			
31–2001	CASHIERS	4364	Cashiers.
31–2002	COUNTER AND RENTAL CLERKS	4363	Counter Clerks.
31–2003	DEMONSTRATORS AND PRODUCT PROMOTERS.	*445	DEMONSTRATORS, PROMOTERS, AND MODELS.
31–2004	DOOR-TO-DOOR SALES WORKERS, NEWS AND STREET VENDORS, AND OTHER RELATED WORKERS.	4365	News Vendors.
		*4366	Street Vendors, Door-to-door Sales Workers, and Related Occupations.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
31–2005	MODELS	*445	DEMONSTRATORS, PROMOTERS, AND MODELS.
31–2006	PARTS SALESPERSONS	4367	Salespersons; Parts.
31–2010 REAL ESTATE AGENTS AND BROKERS:			
31–2011	REAL ESTATE BROKERS	*4123	Real Estate Sales Occupations.
31–2012	REAL ESTATE SALES AGENTS	*4123	Real Estate Sales Occupations.
31–2021	RETAIL SALESPERSONS	4342	Salespersons; Motor Vehicles, Mobile Homes, and Supplies.
		4343	Salespersons; Musical Instruments and Supplies.
		4344	Salespersons; Boats and Marine Equipment and Supplies.
		4345	Salespersons; Sporting Goods.
		4346	Salespersons; Garments and Textile Products.
		4347	Salespersons; Books, Stamps, Coins, and Stationery.
		4348	Salespersons; Furniture and Home Furnishings.
		4351	Salespersons, Shoes.
		4352	Salespersons; Radio, Television, High Fidelity, and Household Appliances.
		4353	Salespersons; Hardware.
		4354	Salespersons; Cosmetics, Toiletries, and Allied Products.
		4356	Salespersons; Jewelry and Related Products.
		4362	Sales Clerks.
31–2022	SALES ENGINEERS	421	SALES ENGINEERS.
31–2030 SALES REPRESENTATIVES, SERVICES:			
31–2031	ADVERTISING SALES AGENTS	4153	Advertising and Related Sales Occupations.
31–2032	INSURANCE SALES AGENTS	4122	Insurance Sales Occupations.
31–2033	SECURITIES, COMMODITIES, AND FINANCIAL SERVICES SALES AGENTS.	4124	Securities and Financial Services Sales Occupations.
31–2034	TRAVEL AGENTS	4369	Sales Occupations; Services, Not Elsewhere Classified.
31–2039	SALES REPRESENTATIVES AND SALESPERSONS, SERVICES, ALL OTHER.	4152	Business Service, Except Advertising, Sales Occupations.
31–2040 SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING:			
31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.	4232	Technical Sales Workers, Aircraft.
		4233	Technical Sales Workers, Agricultural Equipment and Supplies.
		4234	Technical Sales Workers, Electronic Equipment.
		4235	Technical Sales Workers, Industrial Machinery, Equipment, and Supplies.
		4236	Technical Sales Workers, Medical and Dental Equipment and Supplies.
		4237	Technical Sales Workers; Chemicals and Chemical Products.
		4239	Technical Sales Workers, Not Elsewhere Classified.
31–2042	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS.	4242	Sales Representatives, Commercial and Industrial Equipment and Supplies.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
		4243	Sales Representatives, Garments and Related Textile Products.
		4244	Sales Representatives, Motor Vehicles and Supplies.
		4245	Sales Representatives; Pulp, Paper, and Paper Products.
		4246	Sales Representatives; Farm Products and Livestock.
31–2051	TELEMARKETERS	*4366	Street Vendors, Door-to-door Sales Workers, and Related Occupations.
31–2999	SALES WORKERS, ALL OTHER	4249	Sales Representatives; Not Elsewhere Classified.
		4359	Salespersons; Not Elsewhere Classified.
		446	SHOPPERS.
		447	AUCTIONEERS.
		449	SALES OCCUPATIONS; OTHER, NOT ELSEWHERE CLASSIFIED.
33–0000 OFFICE AND ADMINISTRATION OCCUPATIONS			
33–1000 SUPERVISORS, CLERICAL AND ADMINISTRATIVE SUPPORT:			
33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.	4511	Supervisors; General Office Occupations.
		4512	Supervisors; Computer and Peripheral Equipment Operators.
		4513	Supervisors; Secretaries, Stenographers and Typists.
		4514	Supervisors; Information Clerks.
		4516	Supervisors; Correspondence Clerks and Order Clerks.
		4519	Supervisors; Record Clerks.
		4521	Supervisors; Financial Record Processing Occupations.
		4522	Supervisors; Duplicating, Mail and Other Office Machine Operators.
		4523	Chief Communications Operators.
		4524	Supervisors; Mail and Message Distribution Clerks.
		4525	Supervisors; Material Recording, Scheduling, and Distributing Clerks.
		4529	Supervisors; Miscellaneous Administrative Support Occupations.
33–2000 ADJUSTERS, INVESTIGATORS, AND COLLECTORS:			
33–2001	BILL AND ACCOUNT COLLECTORS.	4786	Bill and Account Collectors.
33–2010 CLAIMS EXAMINERS AND INSURANCE APPRAISERS:			
33–2011	CLAIMS EXAMINERS, PROPERTY AND CASUALTY INSURANCE.	4528	Supervisors; Adjusters, Investigators, and Collectors.
		*4782	Insurance Adjusters, Examiners, and Investigators.
33–2012	INSURANCE APPRAISERS, AUTO DAMAGE.	*4782	Insurance Adjusters, Examiners, and Investigators.
33–2021	INSURANCE CLAIMS AND POLICY PROCESSING CLERKS.	*4782	Insurance Adjusters, Examiners, and Investigators.
33–3000 COMMUNICATIONS EQUIPMENT OPERATORS:			
33–3001	SWITCHBOARD OPERATORS, INCLUDING ANSWERING SERVICE.	*4732	Telephone Operators.
33–3002	TELEPHONE OPERATORS	*4732	Telephone Operators.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
33–3099	COMMUNICATIONS EQUIPMENT OPERATORS, ALL OTHER.	4739	Communications Equipment Operators, Not Elsewhere Classified.
33–4000 FINANCIAL CLERKS:			
33–4001	BILLING AND POSTING CLERKS AND MACHINE OPERATORS.	4715	Billing Clerks.
		4716	Cost and Rate Clerks.
		4718	Billing, Posting, and Calculating Machine Operators.
33–4002	BOOKKEEPING, ACCOUNTING, AND AUDITING CLERKS.	*4712	Bookkeepers and Accounting and Auditing Clerks.
33–4003	PAYROLL AND TIMEKEEPING CLERKS.	4713	Payroll and Timekeeping Clerks.
33–4004	PROCUREMENT CLERKS	*4664	Order Clerks.
33–4005	TELLERS AND CUSTOMER SERVICE REPRESENTATIVES, FINANCIAL INSTITUTIONS.	4791	Bank Tellers.
33–5000 INFORMATION AND RECORD CLERKS:			
33–5001	BROKERAGE CLERKS	4699	Record Clerks, Not Elsewhere Classified.
33–5002	CORRESPONDENCE CLERKS	4663	Correspondence Clerks.
33–5003	COURT, MUNICIPAL, AND LICENSE CLERKS.	4787	License Clerks.
33–5004	CREDIT AUTHORIZERS, CHECKERS, AND CLERKS.	4783	Investigators and Adjusters, Except Insurance.
33–5005	CUSTOMER SERVICE REPRESENTATIVES, EXCEPT SALES AND FINANCIAL.	*4649	Information Clerks, Not Elsewhere Classified.
33–5006	ELIGIBILITY INTERVIEWERS, GOVERNMENT PROGRAMS.	4784	Clerks, Social Welfare.
		5263	Welfare Service Aides.
33–5007	FILE CLERKS	4696	File Clerks.
33–5008	HOTEL, MOTEL, AND RESORT DESK CLERKS.	4643	Hotel Clerks.
33–5011	INTERVIEWERS, EXCEPT ELIGIBILITY AND PERSONNEL.	*4642	Interviewing Clerks.
33–5012	LOAN INTERVIEWERS AND CLERKS.	*4642	Interviewing Clerks.
33–5013	ORDER CLERKS	4662	Classified-ad Clerks.
		*4664	Order Clerks.
33–5014	PERSONNEL ASSISTANTS, EXCEPT PAYROLL AND TIMEKEEPING.	4692	Personnel Clerks, Except Payroll and Timekeeping.
33–5015	RECEPTIONISTS AND INFORMATION CLERKS.	4645	Receptionists.
33–5016	RESERVATION AND TRANSPORTATION TICKET AGENTS AND TRAVEL CLERKS.	4644	Reservation Agents and Transportation Ticket Clerks.
33–5099	INFORMATION AND RECORD CLERKS, ALL OTHER.	*4649	Information Clerks, Not Elsewhere Classified.
33–6000 KEYBOARD ENTRY WORKERS:			
33–6001	COURT REPORTERS, MEDICAL TRANSCRIPTIONISTS, AND STENOGRAPHERS.	4623	Stenographers.
33–6002	DATA ENTRY KEYERS	4793	Data Entry Keyers.
33–6003	WORD PROCESSORS AND TYPISTS.	4624	Typists.
33–7000 MATERIAL RECORDING, SCHEDULING, DISPATCHING, AND DISTRIBUTING WORKERS:			
33–7001	CARGO AND FREIGHT AGENTS	*4753	Traffic, Shipping, and Receiving Clerks.
33–7002	DISPATCHERS, EXCEPT POLICE, FIRE, AND AMBULANCE.	*4751	Dispatchers.
33–7003	METER READERS, UTILITIES	4755	Meter Readers.
33–7004	POLICE, FIRE, AND AMBULANCE DISPATCHERS.	*4751	Dispatchers.
33–7005	POSTAL SERVICE CLERKS	*4742	Postal Clerks, Except Mail Carriers.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
33–7006	POSTAL SERVICE MAIL CARRIERS.	4743	Mail Carriers, Post Office.
33–7007	POSTAL SERVICE MAIL SORTERS, PROCESSORS, AND PROCESSING MACHINE OPERATORS.	4723	Mail Preparing and Handling Machine Operators.
		*4742	Postal Clerks, Except Mail Carriers.
33–7008	PRODUCTION, PLANNING, AND EXPEDITING CLERKS.	4752	Production and Planning Clerks.
		*4758	Expediters.
		787	PRODUCTION EXPEDITERS.
33–7011	SHIPPING, RECEIVING, AND TRAFFIC CLERKS.	*4753	Traffic, Shipping, and Receiving Clerks.
33–7012	STOCK CLERKS AND ORDER FILLERS.	4754	Stock and Inventory Clerks.
33–7013	WEIGHERS, MEASURERS, CHECKERS, AND SAMPLERS, RECORDKEEPING.	4756	Weighers, Measurers, and Checkers.
		4757	Samplers.
33–8000 SECRETARIES AND ADMINISTRATIVE ASSISTANTS:			
33–8001	EXECUTIVE SECRETARIES AND ADMINISTRATIVE ASSISTANTS.	*4622	Secretaries.
33–8002	SECRETARIES, LEGAL	*4622	Secretaries.
33–8003	SECRETARIES, MEDICAL	*4622	Secretaries.
33–8099	SECRETARIES, ALL OTHER (EXCEPT LEGAL, MEDICAL, AND EXECUTIVE).	*4622	Secretaries.
33–9000 OTHER OFFICE WORKERS:			
33–9001	COMPUTER OPERATORS	4612	Computer Operators.
		4613	Peripheral Equipment Operators.
33–9002	COURIERS AND MESSENGERS	4745	Messengers.
33–9003	MAIL CLERKS AND MAIL MACHINE OPERATORS, EXCEPT POSTAL SERVICE.	4744	Mail Clerks, Except Post Office.
33–9004	OFFICE CLERKS, GENERAL	463	GENERAL OFFICE OCCUPATIONS.
33–9005	OFFICE MACHINE OPERATORS, EXCEPT COMPUTER.	*4729	Office Machine Operators, Not Elsewhere Classified.
33–9006	PROOFREADERS AND COPY MARKERS.	4792	Proof Readers.
33–9007	STATISTICAL ASSISTANTS	4794	Statistical Clerks.
33–9999	OFFICE AND ADMINISTRATION WORKERS, ALL OTHER.	*4729	Office Machine Operators, Not Elsewhere Classified.
		4733	Telegraphers.
		4759	Material Recording, Scheduling, and Distributing Clerks, Not Elsewhere Classified.
		4799	Administrative Support Occupations, including Clerical, Not Elsewhere Classified.
35–0000 PROTECTIVE OCCUPATIONS			
35–1000 SUPERVISORS, PROTECTIVE SERVICES:			
35–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FIRE FIGHTING AND PREVENTION WORKERS.	5111	Supervisors; Firefighting and Fire Prevention Occupations.
35–1010 FIRST-LINE LAW ENFORCEMENT SUPERVISORS/MANAGERS:			
35–1011	FIRST-LINE SUPERVISORS/MANAGERS OF CORRECTIONAL OFFICERS.	*5113	Supervisors; Guards.
35–1012	FIRST-LINE SUPERVISORS/MANAGERS OF POLICE AND DETECTIVES.	5112	Supervisors; Police and Detectives.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
35–1099	PROTECTIVE SERVICE SUPERVISORS, ALL OTHER.	*5113	Supervisors; Guards.
35–2000 FIREFIGHTING WORKERS:			
35–2001	FIRE FIGHTERS	5123	Firefighting Occupations.
35–2010 FIRE INSPECTORS:			
35–2011	FIRE INSPECTORS AND INVESTIGATORS.	*5122	Fire Inspection and Fire Prevention Occupations.
35–2012	FOREST FIRE INSPECTORS AND PREVENTION SPECIALISTS.	*5122	Fire Inspection and Fire Prevention Occupations.
35–3000 LAW ENFORCEMENT WORKERS:			
35–3001	CORRECTIONAL OFFICERS AND JAILERS.	5133	Correctional Institution Officers.
35–3002	DETECTIVES AND CRIMINAL INVESTIGATORS.	*5132	Police and Detectives, Public Service.
35–3010 POLICE OFFICERS:			
35–3011	POLICE AND SHERIFF'S PATROL OFFICERS.	*5132	Police and Detectives, Public Service.
		*5134	Sheriffs, Bailiffs, and Other Law Enforcement Officers.
35–3012	TRANSIT AND RAILROAD POLICE	*5149	Protective Service Occupations, Not Elsewhere Classified.
35–3020 OTHER LAW ENFORCEMENT WORKERS:			
35–3021	BAILIFFS	*5134	Sheriffs, Bailiffs, and Other Law Enforcement Officers.
35–3022	FISH AND GAME WARDENS	*5134	Sheriffs, Bailiffs, and Other Law Enforcement Officers.
35–3023	UNITED STATES MARSHALS	*5134	Sheriffs, Bailiffs, and Other Law Enforcement Officers.
35–4000 OTHER PROTECTIVE SERVICE WORKERS:			
35–4001	ANIMAL CONTROL WORKERS	*5149	Protective Service Occupations, Not Elsewhere Classified.
35–4002	CROSSING GUARDS	5142	Crossing Guards.
35–4003	LIFEGUARDS, SKI PATROL, AND OTHER RECREATIONAL PROTECTIVE SERVICE WORKERS..	*5149	Protective Service Occupations, Not Elsewhere Classified.
35–4004	PARKING ENFORCEMENT WORKERS.	*5134	Sheriffs, Bailiffs, and Other Law Enforcement Officers.
35–4005	PRIVATE DETECTIVES AND INVESTIGATORS.	*5144	Guards and Police, Except Public Service.
35–4006	SECURITY GUARDS	*5144	Guards and Police, Except Public Service.
35–4999	PROTECTIVE SERVICE WORKERS, ALL OTHER.	*5149	Protective Service Occupations, Not Elsewhere Classified.
37–0000 FOOD PREPARATION AND SERVING OCCUPATIONS			
37–1000 SUPERVISORS, FOOD PREPARATION AND FOOD SERVING:			
37–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FOOD PREPARATION AND SERVING WORKERS.	*5211	Supervisors; Food and Beverage Preparation and Service Occupations.
37–1002	CHEFS AND HEAD COOKS	*5211	Supervisors; Food and Beverage Preparation and Service Occupations.
37–2000 COOKS AND FOOD PREPARATION WORKERS:			
37–2010 COOKS:			
37–2011	COOKS, FAST FOOD	*5215	Short-order Cooks.
37–2012	COOKS, INSTITUTION AND CAFETERIA.	*5214	Cooks, Except Short Order.
37–2013	COOKS, PRIVATE HOUSEHOLD	504	COOKS, PRIVATE HOUSEHOLD.
37–2014	COOKS, RESTAURANT	*5214	Cooks, Except Short Order.
37–2015	COOKS, SHORT ORDER	*5215	Short-order Cooks.
37–2021	FOOD PREPARATION WORKERS	5217	Kitchen Workers, Food Preparation.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
37–3000 FOOD AND BEVERAGE SERVING WORKERS:			
37–3001	BARTENDERS	5212	Bartenders.
37–3002	DINING ROOM AND CAFETERIA ATTENDANTS AND BARTENDER HELPERS.	5218	Waiters'/Waitresses' Assistants.
37–3010 FAST FOOD AND COUNTER WORKERS:			
37–3011	COMBINED FOOD PREPARATION AND SERVING WORKERS, INCLUDING FAST FOOD.	*5216	Food Counter, Fountain and Related Occupations.
37–3012	COUNTER ATTENDANTS, CAFETERIA, FOOD CONCESSION, AND COFFEE SHOP.	*5216	Food Counter, Fountain and Related Occupations.
37–3021	FOOD SERVERS, NON-RESTAURANT.	*5213	Waiters and Waitresses.
37–3022	WAITERS AND WAITRESSES	*5213	Waiters and Waitresses.
37–4000 OTHER FOOD SERVICE WORKERS:			
37–4001	DISHWASHERS	*5219	Miscellaneous Food and Beverage Preparation Occupations.
37–4002	HOSTS AND HOSTESSES, RESTAURANT, LOUNGE, AND COFFEE SHOP.	*5219	Miscellaneous Food and Beverage Preparation Occupations.
37–4999	FOOD PREPARATION AND SERVING WORKERS, ALL OTHER.	*5219	Miscellaneous Food and Beverage Preparation Occupations.
39–0000 BUILDINGS AND GROUNDS MAINTENANCE OCCUPATIONS			
39–1000 SUPERVISORS, BUILDINGS AND GROUNDS MAINTENANCE:			
39–1001	FIRST-LINE SUPERVISORS/MANAGERS OF HOUSEKEEPING AND JANITORIAL WORKERS.	5241	Supervisors; Cleaning and Building Service Workers.
39–1002	FIRST-LINE SUPERVISORS/MANAGERS OF LANDSCAPING, LAWN SERVICE, AND GROUNDSKEEPING WORKERS.	*5621	Supervisors; Related Agricultural Workers.
39–2000 CLEANING AND PEST CONTROL WORKERS:			
39–2001	JANITORS AND CLEANERS, EXCEPT MAIDS AND HOUSEKEEPING CLEANERS.	5244	Janitors and Cleaners.
39–2002	MAIDS AND HOUSEKEEPING CLEANERS.	502	DAY WORKERS.
		505	HOUSEKEEPERS AND BUTLERS.
		507	PRIVATE HOUSEHOLD CLEANERS AND SERVANTS.
		5242	Maids and Housemen.
39–2003	PEST CONTROL WORKERS AND ASSISTANTS.	5246	Pest Control Occupations.
39–2099	BUILDING CLEANING WORKERS, ALL OTHER.	5249	Cleaning and Building Service Occupations, Not Elsewhere Classified.
39–3000 GROUNDS MAINTENANCE WORKERS:.			
39–3001	LANDSCAPING AND GROUNDSKEEPING LABORERS.	*5622	Groundskeepers and Gardeners, Except Farm.
39–3002	PESTICIDE HANDLERS, SPRAYERS, AND APPLICATORS, VEGETATION.	*5622	Groundskeepers and Gardeners, Except Farm.
39–3003	TREE TRIMMERS AND PRUNERS	*5622	Groundskeepers and Gardeners, Except Farm.
39–3099	GROUNDS MAINTENANCE WORKERS, ALL OTHER.	*56	OTHER AGRICULTURAL AND RELATED OCCUPATIONS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
41–0000 PERSONAL CARE AND SERVICE OCCUPATIONS			
41–1000 SUPERVISORS, PERSONAL CARE AND SERVICE:			
41–1001	FIRST-LINE SUPERVISORS/MANAGERS OF GAMING WORKERS.	*5251	Supervisors; Personal Service Occupations.
41–1002	FIRST-LINE SUPERVISORS/MANAGERS OF PERSONAL SERVICE WORKERS.	*5251	Supervisors; Personal Service Occupations.
41–2000 ENTERTAINMENT ATTENDANTS AND RELATED WORKERS:			
41–2001	AMUSEMENT AND RECREATION ATTENDANTS.	*5254	Attendants, Amusement and Recreation Facilities.
41–2002	COSTUME ATTENDANTS	*5258	Wardrobe and Dressing Room Attendants.
41–2010 GAMING WORKERS:			
41–2011	GAMES OF CHANCE ATTENDANTS.	*5254	Attendants, Amusement and Recreation Facilities.
41–2012	GAMING DEALERS	*5254	Attendants, Amusement and Recreation Facilities.
41–2013	MUTUEL CASHIERS AND GAMES OF CHANCE WRITERS.	*5254	Attendants, Amusement and Recreation Facilities.
41–2021	USHERS, LOBBY ATTENDANTS, AND TICKET TAKERS.	5256	Ushers.
41–3000 HAIRSTYLISTS AND RELATED WORKERS:			
41–3001	BARBERS	5252	Barbers.
41–3002	HAIRDRESSERS, HAIRSTYLISTS, AND COSMETOLOGISTS.	*5253	Hairdressers and Cosmetologists.
41–3003	MAKEUP ARTISTS, THEATRICAL AND PERFORMANCE.	*5253	Hairdressers and Cosmetologists.
41–3004	MANICURISTS	*5253	Hairdressers and Cosmetologists.
41–3005	SHAMPOOERS	*5253	Hairdressers and Cosmetologists.
41–4000 TRANSPORTATION, TOURISM, AND LODGING ATTENDANTS:			
41–4001	BAGGAGE PORTERS AND BELLHOPS.	5262	Baggage Porters and Bellhops.
41–4002	CONCIERGES	*5269	Personal Service Occupations, Not Elsewhere Classified.
41–4003	FLIGHT ATTENDANTS	*5257	Public Transportation Attendants.
41–4004	TRANSPORTATION ATTENDANTS, EXCEPT FLIGHT ATTENDANTS AND BAGGAGE PORTERS.	*5257	Public Transportation Attendants.
41–4005	TOUR GUIDES AND ESCORTS	*5255	Guides.
41–4006	TRAVEL GUIDES	*5255	Guides.
41–5000 OTHER PERSONAL CARE AND SERVICE WORKERS:			
41–5001	CHILD CARE WORKERS	506	CHILD CARE WORKERS, PRIVATE HOUSEHOLD.
		5264	Child Care Workers, Except Private Household.
41–5002	FUNERAL ATTENDANTS	*5269	Personal Service Occupations, Not Elsewhere Classified.
41–5003	LOCKER ROOM, COATROOM, AND DRESSING ROOM ATTENDANTS.	*5258	Wardrobe and Dressing Room Attendants.
41–5004	MASSEUSES/MASSEURS	*5269	Personal Service Occupations, Not Elsewhere Classified.
41–5005	MORTICIANS AND EMBALMERS	*399	TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
41–5006	PERSONAL AND HOME CARE AIDES.	*5269	Personal Service Occupations, Not Elsewhere Classified.
41–5007	RESIDENTIAL ADVISORS	*24	VOCATIONAL AND EDUCATIONAL COUNSELORS.
41–5999	PERSONAL CARE AND SERVICE WORKERS, ALL OTHER.	503	LAUNDERERS AND IRONERS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
		509	PRIVATE HOUSEHOLD OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
		*5269	Personal Service Occupations, Not Elsewhere Classified.
43–0000 FARMING, FISHING, AND FORESTRY OCCUPATIONS			
43–1000 SUPERVISORS, FARMING, FISHING, AND FORESTRY:			
43–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FARMING, FORESTRY, AND RELATED WORKERS.	5611	Supervisors; Farm Workers.
		*5621	Supervisors; Related Agricultural Workers.
		571	SUPERVISORS; FORESTRY AND LOGGING WORKERS:
43–2000 ANIMAL SERVICE WORKERS:			
43–2001	ANIMAL TRAINERS	*5624	Animal Caretakers, Except Farm.
43–2002	VETERINARY ASSISTANTS AND NONFARM ANIMAL CARETAKERS.	*369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
		*5624	Animal Caretakers, Except Farm.
43–2099	ANIMAL SERVICE WORKERS, ALL OTHER.	562	RELATED AGRICULTURAL OCCUPATIONS.
43–3000 CROP AND LIVESTOCK PRODUCTION WORKERS:			
43–3001	ANIMAL BREEDERS	*382	BIOLOGICAL TECHNOLOGISTS AND TECHNICIANS, EXCEPT HEALTH.
43–3002	GRADERS AND SORTERS, AGRICULTURAL PRODUCTS.	5625	Graders and Sorters; Agricultural Products.
43–3003	FARM LABOR CONTRACTORS	5612	General Farm Workers.
		*5613	Field Crop and Vegetable Farm Workers (Hand).
43–3010 FARMWORKERS:			
43–3011	AGRICULTURAL EQUIPMENT OPERATORS.	5616	Farm Machinery Operators.
43–3012	FARMWORKERS AND LABORERS, CROP, NURSERY, AND GREENHOUSE.	*5613	Field Crop and Vegetable Farm Workers (Hand).
		5619	Nursery Workers.
43–3013	FARMWORKERS, FARM AND RANCH ANIMALS.	5617	Livestock Workers.
43–3099	AGRICULTURAL PRODUCTION WORKERS, ALL OTHER.	*56	OTHER AGRICULTURAL AND RELATED OCCUPATIONS.
43–4000 FISHING AND HUNTING WORKERS:			
43–4001	FISHERS AND RELATED FISHING WORKERS.	5618	Marine Life Cultivation Workers.
		583	FISHERS.
43–4002	HUNTERS AND TRAPPERS	584	HUNTERS AND TRAPPERS.
43–5000 LOGGING, FOREST, AND CONSERVATION WORKERS:			
43–5001	FOREST AND CONSERVATION WORKERS.	572	FORESTRY WORKERS, EXCEPT LOGGING.
43–5010 LOGGING WORKERS:			
43–5011	FALLERS	573	TIMBER CUTTING AND RELATED OCCUPATIONS.
43–5012	LOG GRADERS AND SCALERS	785	GRADERS AND SORTERS, EXCEPT AGRICULTURAL.
43–5019	LOGGING WORKERS, ALL OTHER	*579	LOGGING OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
43–5999	FARMING, FISHING, AND FORESTRY WORKERS, ALL OTHER.	5615	Irrigation Workers.
		5627	Inspectors; Agricultural Products.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
		*579	LOGGING OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
45–0000	**CONSTRUCTION AND EXTRACTIVE OCCUPATIONS**		
45–1000 SUPERVISORS, CONSTRUCTION AND EXTRACTIVE:			
43–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.	6311	Supervisors; Overall Construction.
		6312	Supervisors; Brickmasons, Stonemasons, and Hard Tile Setters.
		6313	Supervisors; Carpenters and Related Workers.
		6314	Supervisors; Electricians and Power Transmission Installers.
		6315	Supervisors; Painters, Paperhangers, and Plasterers.
		6316	Supervisors; Plumbers and Pipefitters and Steamfitters.
		6318	Supervisors; Other Construction Trades.
		632	SUPERVISORS; EXTRACTIVE OCCUPATIONS.
45–2000 CONSTRUCTION TRADES AND RELATED WORKERS:			
45–2001	BOILERMAKERS	6814	Boilermakers.
45–2010 BRICKMASONS, BLOCKMASONS, AND STONEMASONS:			
45–2011	BRICKMASONS AND BLOCKMASONS.	6412	Brickmasons.
45–2012	STONEMASONS	6413	Stonemasons.
45–2021	CARPENTERS	6422	Carpenters.
45–2022	CARPET INSTALLERS	*6462	Carpet and Soft Tile Installers.
45–2030 CONCRETE FINISHERS, CEMENT MASONS, AND TERRAZZO WORKERS:			
45–2031	CONCRETE FINISHERS AND CEMENT MASONS.	*6463	Concrete and Terrazzo Finishers.
45–2032	TERRAZZO WORKERS AND FINISHERS.	*6463	Concrete and Terrazzo Finishers.
45–2041	CONSTRUCTION EQUIPMENT OPERATORS.	6466	Paving, Surfacing, and Tamping Equipment Operators.
		6476	Pile Driving Operators.
		8312	Operating Engineers.
		8317	Grader, Dozer, and Scraper Operators.
45–2042	CONSTRUCTION LABORERS	*6475	Air Hammer Operators.
		871	CONSTRUCTION LABORERS.
45–2050 DRYWALL INSTALLERS, CEILING TILE INSTALLERS, AND TAPERS:			
45–2051	DRYWALL AND CEILING TILE INSTALLERS.	*6424	Drywall Installers.
45–2052	TAPERS	*6424	Drywall Installers.
45–2061	ELECTRICIANS	*6432	Electricians.
45–2062	SECURITY AND FIRE ALARM SYSTEMS INSTALLERS.	*6432	Electricians.
45–2063	ELEVATOR INSTALLERS AND REPAIRERS.	6176	Elevator Installers and Repairers.
45–2064	FENCE ERECTORS	*6479	Construction Trades, Not Elsewhere Classified.
45–2070 FLOOR AND TILE INSTALLERS:			
45–2071	FLOOR LAYERS, EXCEPT CARPET, WOOD, AND HARD TILES.	*6462	Carpet and Soft Tile Installers.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
45–2072	TILE AND MARBLE SETTERS	6414	Tile Setters, Hard.
45–2081	FLOOR SANDERS AND FINISHERS	*6479	Construction Trades, Not Elsewhere Classified.
45–2082	GLAZIERS	6464	Glaziers.
45–2083	HAZARDOUS MATERIALS REMOVAL WORKERS.	*6479	Construction Trades, Not Elsewhere Classified.
45–2084	HIGHWAY MAINTENANCE WORKERS.	*6479	Construction Trades, Not Elsewhere Classified.
45–2090 INSULATION WORKERS:			
45–2091	INSULATION WORKERS, FLOOR, CEILING, AND WALL.	*6465	Insulation Workers.
45–2092	INSULATION WORKERS, MECHANICAL.	*6465	Insulation Workers.
45–2101	PAINTERS, CONSTRUCTION AND MAINTENANCE.	6442	Painters (Construction and Maintenance).
45–2102	PAPERHANGERS	6443	Paperhangers.
45–2110 PIPELAYERS, PLUMBERS, PIPEFITTERS, AND STEAMFITTERS:			
45–2111	PIPELAYERS	*6479	Construction Trades, Not Elsewhere Classified.
45–2112	PLUMBERS, PIPEFITTERS, AND STEAMFITTERS.	645	PLUMBERS, PIPEFITTERS AND STEAMFITTERS.
45–2121	PLASTERERS AND STUCCO MASONS.	6444	Plasterers.
45–2122	RAIL-TRACK LAYING AND MAINTENANCE EQUIPMENT OPERATORS.	6467	Rail and Track Laying Equipment Operators.
45–2123	REINFORCING IRON AND REBAR WORKERS.	*6473	Structural Metal Workers.
45–2124	ROOFERS	6468	Roofers.
45–2125	SEPTIC TANK SERVICERS AND SEWER PIPE CLEANERS.	*6479	Construction Trades, Not Elsewhere Classified.
45–2126	SHEET METAL WORKERS	6472	Sheetmetal Duct Installers.
		6824	Sheet Metal Workers.
45–2127	STRUCTURAL IRON AND STEEL WORKERS.	*6473	Structural Metal Workers.
45–2130 HELPERS, CONSTRUCTION TRADES:			
45–2131	HELPERS—BRICKMASONS, BLOCKMASONS, STONEMASONS, AND TILE AND MARBLE SETTERS.	8641	Helpers; Brickmasons, Stonemasons, and Hard Tile Setters.
45–2132	HELPERS—CARPENTERS	8642	Helpers; Carpenters and Related Workers.
45–2133	HELPERS—ELECTRICIANS	8643	Helpers; Electricians and Power Transmission Installers.
45–2134	HELPERS—PAINTERS, PAPERHANGERS, PLASTERERS, AND STUCCO MASONS.	8644	Helpers; Painters, Paperhangers, and Plasterers.
45–2135	HELPERS—PIPELAYERS, PLUMBERS, PIPEFITTERS, AND STEAMFITTERS.	8645	Helpers; Plumbers, Pipefitters and Steamfitters.
45–2136	HELPERS—ROOFERS	*8648	Helpers; Other Construction Trades.
45–2139	HELPERS—CONSTRUCTION TRADES WORKERS, ALL OTHER.	8646	Helpers; Surveyor's.
		*8648	Helpers; Other Construction Trades.
45–2199	CONSTRUCTION TRADES WORKERS, ALL OTHER.	*6479	Construction Trades, Not Elsewhere Classified.
45–3000 EXTRACTIVE WORKERS:			
45–3010 DERRICK, ROTARY DRILL, AND SERVICE UNIT OPERATORS, OIL AND GAS:			
45–3011	DERRICK OPERATORS, OIL AND GAS.	*652	DRILLERS, OIL WELL.
45–3012	ROTARY DRILL OPERATORS, OIL AND GAS.	*652	DRILLERS, OIL WELL.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
45–3013	SERVICE UNIT OPERATORS, OIL, GAS, AND MINING.	*656	EXTRACTIVE OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
45–3021	EARTH DRILLERS, EXCEPT OIL AND GAS.	6474	Drillers, Earth.
45–3022	EXPLOSIVES WORKERS, ORDNANCE HANDLING EXPERTS, AND BLASTERS.	653	EXPLOSIVE WORKERS.
45–3030 MINING MACHINE OPERATORS:			
45–3031	CONTINUOUS MINING MACHINE OPERATORS.	*654	MINING MACHINE OPERATORS.
45–3032	MINE CUTTING AND CHANNELING MACHINE OPERATORS.	*654	MINING MACHINE OPERATORS.
45–3039	MINING MACHINE OPERATORS, ALL OTHER.	*654	MINING MACHINE OPERATORS.
45–3041	ROCK SPLITTERS, QUARRY	*6475	Air Hammer Operators.
45–3042	ROOF BOLTERS, MINING	*656	EXTRACTIVE OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
45–3043	ROUSTABOUTS, OIL AND GAS	*656	EXTRACTIVE OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.
45–3044	HELPERS—EXTRACTIVE WORKERS.	865	HELPERS; EXTRACTIVE OCCUPATIONS.
45–3099	EXTRACTIVE WORKERS, EXCEPT HELPERS, ALL OTHER.	*654	MINING MACHINE OPERATORS.
47–0000 INSTALLATION, MAINTENANCE, AND REPAIR OCCUPATIONS			
47–1000 SUPERVISORS OF MECHANICS, INSTALLERS, AND REPAIRERS:			
47–1001	FIRST-LINE SUPERVISORS/MANAGERS OF MECHANICS, INSTALLERS, AND REPAIRERS.	60	SUPERVISORS; MECHANICS AND REPAIRERS.
47–2000 ELECTRICAL AND ELECTRONIC EQUIPMENT MECHANICS, INSTALLERS, AND REPAIRERS:			
47–2001	COMPUTER, AUTOMATED TELLER, AND OFFICE MACHINE REPAIRERS.	6154	Data Processing Equipment Repairers.
		6174	Office Machine Repairers.
47–2002	RADIO MECHANICS	*6151	Communications Equipment Repairers.
47–2003	TELECOMMUNICATIONS EQUIPMENT INSTALLERS AND REPAIRERS.	*6151	Communications Equipment Repairers.
		6158	Telephone Installers and Repairers.
47–2010 OTHER ELECTRICAL AND ELECTRONIC EQUIPMENT REPAIRERS:			
47–2011	AVIONICS TECHNICIANS	*6159	Miscellaneous Electrical and Electronic Equipment Repairers.
47–2012	ELECTRIC MOTOR, POWER TOOL, AND RELATED REPAIRERS.	6152	Electric Motor, Transformer, and Related Repairers.
47–2013	ELECTRICAL AND ELECTRONICS INSTALLERS AND REPAIRERS, TRANSPORTATION EQUIPMENT.	*6159	Miscellaneous Electrical and Electronic Equipment Repairers.
47–2014	ELECTRICAL AND ELECTRONICS REPAIRERS, COMMERCIAL AND INDUSTRIAL EQUIPMENT.	*6153	Electrical and Electronic Repairers, Commercial and Industrial Equipment.
47–2015	ELECTRONIC HOME ENTERTAINMENT EQUIPMENT REPAIRERS.	6155	Electronic Repairers, Home-entertainment Equipment.
47–3000 VEHICLE AND MOBILE EQUIPMENT MECHANICS, INSTALLERS, AND REPAIRERS:			
47–3001	AIRCRAFT MECHANICS AND SERVICE TECHNICIANS.	6113	Aircraft Engine Mechanics.
		6116	Aircraft Mechanics (Except Engine Specialists).

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
47–3002	AUTOMOTIVE BODY AND RELATED REPAIRERS.	*6115	Automotive Body and Related Repairers.
47–3003	AUTOMOTIVE GLASS INSTALLERS AND REPAIRERS.	*6115	Automotive Body and Related Repairers.
47–3004	AUTOMOTIVE MECHANICS AND SERVICE TECHNICIANS.	6111	Automobile Mechanics.
47–3005	BICYCLE REPAIRERS	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–3006	BUS AND TRUCK MECHANICS AND DIESEL ENGINE SPECIALISTS.	6112	Bus and Truck Engine, and Diesel Engine Mechanics.
47–3007	FARM EQUIPMENT MECHANICS	6118	Farm Equipment Mechanics.
47–3008	MOBILE HEAVY EQUIPMENT MECHANICS, EXCEPT ENGINES.	*6117	Heavy Equipment Mechanics.
47–3011	MOTORCYCLE MECHANICS	*6114	Small Engine Repairers.
47–3012	RAIL CAR REPAIRERS	*6117	Heavy Equipment Mechanics.
47–3013	RECREATIONAL VEHICLE SERVICE TECHNICIANS.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–3014	SMALL ENGINE REPAIRERS	*6114	Small Engine Repairers.
47–4000 OTHER MECHANICS, INSTALLERS, AND REPAIRERS:			
47–4001	CAMERA AND PHOTOGRAPHIC EQUIPMENT REPAIRERS.	*6171	Camera, Watch, and Other Precision Instrument Repairers.
47–4002	COIN, VENDING, AND AMUSEMENT MACHINE SERVICERS AND REPAIRERS.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–4003	CONTROL AND VALVE INSTALLERS AND REPAIRERS.	*6175	Mechanical Controls and Valve Repairers.
47–4004	ELECTRICAL POWER-LINE INSTALLERS AND REPAIRERS.	*6153	Electrical and Electronic Repairers, Commercial and Industrial Equipment.
		*6159	Miscellaneous Electrical and Electronic Equipment Repairers.
		6433	Electrical Power Installers and Repairers.
47–4005	FABRIC MENDERS, EXCEPT GARMENT.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–4006	HEATING, AIR CONDITIONING, AND REFRIGERATION MECHANICS AND INSTALLERS.	616	HEATING, AIR-CONDITIONING, AND REFRIGERATION MECHANICS.
47–4007	HOME APPLIANCE REPAIRERS	6156	Household Appliance and Power Tool Repairers.
47–4008	INDUSTRIAL MACHINERY MECHANICS.	613	INDUSTRIAL MACHINERY REPAIRERS.
47–4011	LOCKSMITHS AND SAFE REPAIRERS.	6173	Locksmiths and Safe Repairers.
47–4012	MAINTENANCE AND REPAIR WORKERS, GENERAL.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–4013	MAINTENANCE WORKERS, MACHINERY.	614	MACHINERY MAINTENANCE OCCUPATIONS.
47–4014	MANUFACTURED BUILDING AND MOBILE HOME INSTALLERS.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–4015	MECHANICAL DOOR REPAIRERS	*6175	Mechanical Controls and Valve Repairers.
47–4016	MEDICAL EQUIPMENT REPAIRERS.	*6171	Camera, Watch, and Other Precision Instrument Repairers.
47–4017	MILLWRIGHTS	6178	Millwrights.
47–4018	MUSICAL INSTRUMENT REPAIRERS AND TUNERS.	6172	Musical Instrument Repairers and Tuners.
47–4021	PRECISION INSTRUMENT REPAIRERS.	*6171	Camera, Watch, and Other Precision Instrument Repairers.
47–4022	REFRACTORY MATERIALS REPAIRERS, EXCEPT BRICKMASONS.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–4023	RIGGERS	6177	Riggers.
47–4024	SIGNAL AND TRACK SWITCH REPAIRERS.	*6151	Communications Equipment Repairers.
47–4025	TELECOMMUNICATIONS LINE INSTALLERS AND REPAIRERS.	6157	Telephone Line Installers and Repairers.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
47–4026	TIRE REPAIRERS AND CHANGERS.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
47–4027	WATCH REPAIRERS	*6171	Camera, Watch, and Other Precision Instrument Repairers.
47–4028	HELPERS—INSTALLATION, MAINTENANCE, AND REPAIR WORKERS.	8632	Helpers; Vehicle and Mobile Equipment Mechanics and Repairers.
		8633	Helpers; Industrial Machinery Repairers.
		8635	Helpers; Electrical and Electronic Equipment Repairers.
		8637	Helpers; Miscellaneous Mechanics and Repairers.
47–4999	INSTALLATION, MAINTENANCE, AND REPAIR WORKERS, ALL OTHER.	*6179	Mechanics and Repairers, Not Elsewhere Classified.
	49–0000 PRODUCTION OCCUPATIONS		
49–1000 SUPERVISORS, PRODUCTION AND OPERATING:			
49–1001	FIRST-LINE SUPERVISORS/MANAGERS OF PRODUCTION AND OPERATING WORKERS.	67	SUPERVISORS; PRECISION PRODUCTION OCCUPATIONS.
		71	SUPERVISORS; PRODUCTION OCCUPATIONS.
49–2000 ASSEMBLERS AND FABRICATORS:			
49–2001	AIRCRAFT STRUCTURE, SURFACES, RIGGING, AND SYSTEMS ASSEMBLERS.	*6812	Precision Assemblers (Metal).
49–2002	COIL WINDERS, TAPERS, AND FINISHERS.	*772	ASSEMBLERS.
49–2010 ELECTRICAL, ELECTRONICS, AND ELECTROMECHANICAL ASSEMBLERS:			
49–2011	ELECTRICAL AND ELECTRONIC EQUIPMENT ASSEMBLERS.	*6867	Precision Electrical and Electronic Equipment Assemblers.
		*772	ASSEMBLERS.
49–2012	ELECTROMECHANICAL EQUIPMENT ASSEMBLERS.	*6812	Precision Assemblers (Metal).
		*6867	Precision Electrical and Electronic Equipment Assemblers.
49–2021	ENGINE AND OTHER MACHINE ASSEMBLERS.	*6812	Precision Assemblers (Metal).
		*772	ASSEMBLERS.
49–2022	FIBERGLASS LAMINATORS AND FABRICATORS.	*7667	Compressing and Compacting Machine Operators and Tenders.
		*772	ASSEMBLERS.
49–2023	TEAM ASSEMBLERS	*772	ASSEMBLERS.
49–2024	TIMING DEVICE ASSEMBLERS, ADJUSTERS, AND CALIBRATORS.	6882	Precision Adjusters and Calibrators.
		*772	ASSEMBLERS.
49–2099	ASSEMBLERS AND FABRICATORS, ALL OTHER.	774	FABRICATORS, NOT ELSEWHERE CLASSIFIED.
49–3000 FOOD PROCESSING WORKERS:			
49–3001	BAKERS	6872	Bakers.
49–3010 BUTCHERS AND OTHER MEAT, POULTRY, AND FISH PROCESSING OCCUPATIONS			
49–3011	BUTCHERS AND MEAT CUTTERS	*6871	Butchers and Meat Cutters.
49–3012	MEAT, POULTRY, AND FISH CUTTERS AND TRIMMERS.	*7753	Hand Cutting And Trimming Occupations.
49–3013	SLAUGHTERERS AND MEAT PACKERS.	*6871	Butchers and Meat Cutters.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
49–3021	FOOD AND TOBACCO ROASTING, BAKING, AND DRYING MACHINE OPERATORS AND TENDERS.	7472	Roasting and Baking Machine Setup Operators.
		7672	Roasting and Baking Machine Operators and Tenders.
49–3022	FOOD BATCHMAKERS	6873	Batchmakers (Candymakers, Cheesemakers, Etc.).
49–3023	FOOD COOKING MACHINE OPERATORS AND TENDERS.	*7679	Miscellaneous Machine Operators and Tenders, Not Elsewhere Classified.
49–4000 METALWORKING AND PLASTIC-WORKING WORKERS:			
49–4001	COMPUTER-CONTROLLED MACHINE TOOL OPERATORS, METAL AND PLASTIC.	7326	Numerical Control Machine Setup Operators.
49–4002	CUTTING, PUNCHING, AND PRESS MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7314	Punching and Shearing Machine Setup Operators.
		7317	Press and Brake Machine Setup Operators.
		7514	Punching and Shearing Machine Operators and Tenders.
		7517	Press and Brake Machine Operators and Tenders.
49–4003	DRILLING AND BORING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7318	Drilling and Boring Machine Setup Operators.
		7518	Drilling and Boring Machine Operators and Tenders.
49–4004	EXTRUDING AND DRAWING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7315	Extruding and Drawing Machine Setup Operators.
		7515	Extruding and Drawing Machine Operators and Tenders.
49–4005	FORGING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7319	Forging Machine Setup Operators.
		7519	Forging Machine Operators and Tenders.
49–4006	GRINDING, LAPPING, POLISHING, AND BUFFING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7322	Grinding, Abrading, Buffing, and Polishing Machine Setup Operators.
		7324	Lapping and Honing Machine Setup Operators.
49–4007	HEAT TREATING EQUIPMENT SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7344	Heating Equipment Setup Operators.
		*7544	Heating Equipment Operators and Tenders.
49–4008	LATHE AND TURNING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7312	Lathe and Turning Machine Setup Operators.
		7512	Lathe and Turning Machine Operators and Tenders.
49–4011	LAY-OUT WORKERS, METAL AND PLASTIC.	6821	Lay-out Workers.
49–4012	MACHINISTS	6813	Machinists.
49–4013	METAL-REFINING FURNACE OPERATORS AND TENDERS.	*7544	Heating Equipment Operators and Tenders.
49–4014	MILLING AND PLANING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7313	Milling and Planing Machine Setup Operators.
		7513	Milling and Planing Machine Operators and Tenders.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
49–4020 MODEL MAKERS AND PATTERNMAKERS, METAL AND PLASTIC:			
49–4021	MODEL MAKERS, METAL AND PLASTIC.	*6862	Precision Patternmakers, Lay-out Workers and Cutters.
		*6817	Patternmakers and Model Makers (Metal).
49–4022	PATTERNMAKERS, METAL AND PLASTIC.	*6862	Precision Patternmakers, Lay-out Workers and Cutters.
		*6817	Patternmakers and Model Makers (Metal).
49–4031	MOLDERS, SHAPERS, AND COREMAKERS.	6861	Precision Hand Molders and Shapers (Except Jewelers).
49–4032	MOLDING, COREMAKING, AND CASTING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7342	Molding and Casting Machine Setup Operators.
		7542	Molding and Casting Machine Operators and Tenders
49–4033	MULTIPLE MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	*7329	Miscellaneous Metalworking and Plastic Working Machine Setup Operators.
49–4034	NUMERICAL TOOL AND PROCESS CONTROL PROGRAMMERS.	3974	Programmers, Numerical, Tool and Process Control.
49–4035	PLATING AND COATING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7343	Plating and Coating Machine Setup Operators.
		7543	Plating and Coating Machine Operators and Tenders.
49–4036	POURERS AND CASTERS, METAL	*7754	Hand Molding And Casting Occupations.
49–4037	ROLLING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.	7316	Rolling Machine Setup Operators.
		7516	Rolling Machine Operators and Tenders.
49–4038	STRUCTURAL METAL FABRICATORS AND FITTERS.	*6812	Precision Assemblers (Metal)
		*7339	Miscellaneous Fabricating Machine Setup Operators.
49–4041	TOOL AND DIE MAKERS	6811	Tool and Die Makers.
49–4042	TOOL GRINDERS, FILERS, AND SHARPENERS.	6816	Precision Grinders, Filers, and Tool Sharpeners.
49–4050 WELDING, SOLDERING, AND BRAZING WORKERS:			
49–4051	WELDERS, CUTTERS, SOLDERERS, AND BRAZERS.	7714	Welders And Cutters.
		7717	Solderers And Brazers.
49–4052	WELDING, SOLDERING, AND BRAZING MACHINE SETTERS, OPERATORS, AND TENDERS.	7332	Welding Machine Setup Operators.
		7333	Soldering and Brazing Machine Setup Operators.
		7532	Welding Machine Operators and Tenders.
		7533	Soldering and Brazing Machine Operators and Tenders.
49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.	*7329	Miscellaneous Metalworking and Plastic Working Machine Setup Operators.
		*7549	Miscellaneous Metal and Plastic Processing Machine Operators and Tenders.
		*7529	Miscellaneous Metalworking and Plastic Working Machine Operators and Tenders.
		*7539	Miscellaneous Fabricating Machine Operators and Tenders.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
		*7339	Miscellaneous Fabricating Machine Setup Operators.
		*7349	Miscellaneous Metal and Plastic Processing Machine Setup Operators.
49–5000 PRINTING WORKERS:			
49–5001	BINDERY WORKERS	*7449	Miscellaneous Printing Machine Setup Operators.
		*7649	Printing Machine Operators and Tenders, Not Elsewhere Classified.
49–5002	BOOKBINDERS	6844	Bookbinders.
49–5003	DESKTOP PUBLISHING SPECIALISTS.	*6849	Miscellaneous Precision Printing Occupations.
49–5004	JOB PRINTERS	*6849	Miscellaneous Precision Printing Occupations.
49–5005	PREPRESS TECHNICIANS AND WORKERS.	6842	Precision Lithographers and Photoengravers.
		*6849	Miscellaneous Precision Printing Occupations.
		7444	Photoengraving and Lithographing Machine Setup Operators.
		7642	Typesetting and Composing Machine Operators and Tenders.
		7644	Photoengraving and Lithographing Machine Operators and Tenders.
		6841	Precision Typesetters.
49–5006	PRINTING MACHINE OPERATORS	7443	Printing Press Setup Operators.
		*7449	Miscellaneous Printing Machine Setup Operators.
		7643	Printing Machine Operators and Tenders.
		*7649	Printing Machine Operators and Tenders, Not Elsewhere Classified.
49–6000 TEXTILE, APPAREL, AND FURNISHINGS WORKERS:			
49–6001	EXTRUDING AND FORMING MACHINE SETTERS, OPERATORS, AND TENDERS, SYNTHETIC AND GLASS FIBERS.	7663	Extruding and Forming Machine Operators and Tenders.
49–6002	FABRIC AND APPAREL PATTERNMAKERS.	6856	Apparel and Fabric Patternmakers.
49–6003	LAUNDRY AND DRY-CLEANING WORKERS.	*6855	Precision Laundering, Cleaning, and Dyeing Occupations.
		7658	Laundering and Dry Cleaning Machine Operators and Tenders.
49–6004	PRESSERS, TEXTILE, GARMENT, AND RELATED MATERIALS.	*6855	Precision Laundering, Cleaning, and Dyeing Occupations.
		7657	Pressing Machine Operators.
49–6005	SEWING MACHINE OPERATORS ..	7655	Textile Sewing Machine Operators and Tenders.
49–6006	SHOE AND LEATHER WORKERS AND REPAIRERS.	6854	Shoemakers and Leather Workers and Repairers.
49–6007	SHOE MACHINE OPERATORS AND TENDERS.	7656	Shoe Machine Operators and Tenders.
49–6010 TAILORS, DRESSMAKERS, AND SEWERS:			
49–6011	SEWERS, HAND	7752	Hand Sewing Occupations.
49–6012	TAILORS, DRESSMAKERS, AND CUSTOM SEWERS.	6852	Tailors and Dressmakers, Hand.
49–6021	TEXTILE BLEACHING AND DYEING MACHINE OPERATORS AND TENDERS.	*7659	Miscellaneous Textile Machine Operators and Tenders.
49–6022	TEXTILE CUTTING MACHINE SETTERS, OPERATORS, AND TENDERS.	7654	Textile Cutting Machine Operators and Tenders.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
49–6023	TEXTILE KNITTING AND WEAVING MACHINE SETTERS, OPERATORS, AND TENDERS.	7652	Knitting and Weaving Machine Operators and Tenders.
49–6024	TEXTILE WINDING, TWISTING, AND DRAWING OUT MACHINE SETTERS, OPERATORS, AND TENDERS.	7451	Winding and Twisting Machine Setup Operators.
		7452	Knitting and Weaving Machine Setup Operators.
		*7459	Textile Machine Setup Operators, Not Elsewhere Classified
		7651	Winding and Twisting Machine Operators and Tenders.
49–6025	UPHOLSTERERS	6853	Upholsterers.
49–6099	TEXTILE, APPAREL, AND FURNISHINGS WORKERS, ALL OTHER.	6859	Miscellaneous Precision Apparel and Fabric Workers.
		*7459	Textile Machine Setup Operators, Not Elsewhere Classified.
		*7659	Miscellaneous Textile Machine Operators and Tenders.
49–7000 WOODWORKERS:			
49–7001	CABINETMAKERS AND BENCH CARPENTERS.	6832	Cabinet Makers and Bench Carpenters.
49–7002	FURNITURE FINISHERS	6835	Furniture Finishers.
49–7010 MODEL MAKERS AND PATTERNMAKERS, WOOD:			
49–7011	MODEL MAKERS, WOOD	*6831	Patternmakers and Model Makers, Wood.
49–7012	PATTERNMAKERS, WOOD	*6831	Patternmakers and Model Makers, Wood.
49–7021	SAWING MACHINE SETTERS, OPERATORS, AND TENDERS, WOOD.	7433	Sawing Machine Setup Operators.
		7633	Sawing Machine Operators and Tenders.
49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.	7431	Lathe and Turning Machine Setup Operators.
		7432	Router and Planer Machine Setup Operators.
		7434	Sanding Machine Setup Operators.
		7435	Shaping and Joining Machine Setup Operators.
		7439	Miscellaneous Woodworking Machine Setup Operators.
		7631	Lathe and Turning Machine Operators and Tenders.
		7632	Router and Planer Machine Operators and Tenders.
		7634	Sanding Machine Operators and Tenders.
		7635	Shaping and Joining Machine Operators and Tenders.
		7636	Nailing and Tacking Machine Operators and Tenders.
		*7639	Miscellaneous Woodworking Machine Operators and Tenders.
49–7099	WOODWORKERS, ALL OTHER	6839	Miscellaneous Precision Woodworkers.
49–8000 PLANT AND SYSTEM OPERATORS:			
49–8001	CHEMICAL PLANT AND SYSTEM OPERATORS.	694	CHEMICAL PLANT OPERATORS.
49–8002	GAS PLANT OPERATORS	692	GAS PLANT OPERATORS.
49–8003	PETROLEUM PUMP SYSTEM OPERATORS, REFINERY OPERATORS, AND GAUGERS.	695	PETROLEUM PLANT OPERATORS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
49–8010 POWER PLANT OPERATORS, DISTRIBUTORS, AND DISPATCHERS:			
49–8011	NUCLEAR POWER REACTOR OPERATORS.	*6932	Power Plant and Systems Operators, except Stationary Engineers.
49–8012	POWER DISTRIBUTORS AND DISPATCHERS.	*6932	Power Plant and Systems Operators, except Stationary Engineers.
49–8013	POWER PLANT OPERATORS	*6932	Power Plant and Systems Operators, except Stationary Engineers.
49–8021	STATIONARY ENGINEERS AND BOILER OPERATORS.	6931	Stationary Engineers.
		7668	Boiler Operators and Tenders (Low Pressure).
49–8022	WATER AND LIQUID WASTE TREATMENT PLANT AND SYSTEM OPERATORS.	691	WATER AND SEWAGE TREATMENT PLANT OPERATORS.
49–8099	PLANT AND SYSTEM OPERATORS, ALL OTHER.	696	MISCELLANEOUS PLANT OR SYSTEM OPERATORS.
49–9000 MISCELLANEOUS PRODUCTION OCCUPATIONS:.			
49–9001	CEMENTING AND GLUING MACHINE OPERATORS AND TENDERS.	7661	Cementing and Gluing Machine Operators and Tenders.
49–9002	CHEMICAL EQUIPMENT OPERATORS AND TENDERS.	*7666	Separating and Filtering Machine Operators and Tenders.
		*7676	Still, Clarifier and Precipitator Operators and Tenders.
49–9003	CLEANING, WASHING, AND METAL PICKLING EQUIPMENT OPERATORS AND TENDERS.	7673	Washing, Cleaning and Pickling Equipment Operators and Tenders.
49–9004	COATING, PAINTING, AND SPRAYING MACHINE SETTERS, OPERATORS, AND TENDERS.	*7669	Coating, Painting, and Spraying Machine Operators and Tenders.
49–9005	COOLING AND FREEZING EQUIPMENT OPERATORS AND TENDERS.	7665	Cooling and Freezing Equipment Operators and Tenders.
49–9006	CRUSHING, GRINDING, AND POLISHING MACHINE SETTERS, OPERATORS, AND TENDERS.	7477	Crushing, Grinding and Polishing Machine Setup Operators.
		7522	Grinding, Abrading, Buffing and Polishing Machine Operators and Tenders.
		7677	Crushing, Grinding and Polishing Machine Operators and Tenders.
49–9007	CUTTERS AND TRIMMERS, HAND	*7753	Hand Cutting And Trimming Occupations.
49–9008	CUTTING AND SLICING MACHINE SETTERS, OPERATORS, AND TENDERS.	7478	Slicing and Cutting Machine Setup Operators.
		7678	Slicing and Cutting Machine Operators and Tenders.
49–9011	DENTAL LABORATORY TECHNICIANS.	6865	Dental Laboratory Technicians.
49–9012	ETCHERS AND ENGRAVERS	7757	Hand Engraving And Printing Occupations.
		6823	Engravers.
49–9013	EXTRUDING, FORMING, PRESSING, AND COMPACTING MACHINE SETTERS, OPERATORS, AND TENDERS.	7463	Extruding and Forming Machine Setup Operators.
		7467	Compressing and Compacting Machine Setup Operators.
		*7667	Compressing and Compacting Machine Operators and Tenders.
49–9014	FURNACE, KILN, OVEN, DRIER, AND KETTLE OPERATORS AND TENDERS.	7675	Furnace, Kiln, and Oven Operators and Tenders.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
49–9015	GRINDING AND POLISHING WORKERS, HAND.	7758	Hand Grinding And Polishing Occupations.
49–9016	INSPECTORS, TESTERS, SORTERS, SAMPLERS, AND WEIGHERS.	6881	Precision Inspectors, Testers, and Graders.
		782	PRODUCTION INSPECTORS, CHECKERS AND EXAMINERS.
		783	PRODUCTION TESTERS.
49–9017	JEWELERS AND PRECIOUS STONE AND METAL WORKERS.	6822	Precision Hand Molders and Shapers (Jewelers).
		6866	Gem and Diamond Working Occupations.
49–9018	MEDICAL APPLIANCE TECHNICIANS.	*6869	Miscellaneous Precision Workers, Not Elsewhere Classified.
49–9021	MIXING AND BLENDING MACHINE SETTERS, OPERATORS, AND TENDERS.	7664	Mixing and Blending Machine Operators and Tenders.
49–9022	MOLDERS AND CASTERS, EXCEPT METAL AND PLASTIC.	*7754	Hand Molding And Casting Occupations.
49–9023	OPHTHALMIC LABORATORY TECHNICIANS.	6864	Optical Goods Workers
49–9024	PACKAGING AND FILLING MACHINE OPERATORS AND TENDERS.	7462	Packaging and Filling Machine Setup Operators.
		7662	Packaging and Filling Machine Operators and Tenders.
49–9025	PAINTERS, TRANSPORTATION EQUIPMENT.	*7669	Coating, Painting, and Spraying Machine Operators and Tenders.
49–9026	PAINTING, COATING, AND DECORATING WORKERS.	6863	Detail Design Painters and Decorators.
		7756	Hand Painting, Coating And Decorating Occupations.
49–9027	PAPER GOODS MACHINE SETTERS, OPERATORS, AND TENDERS.	7474	Folding Machine Setup Operators.
		7674	Folding Machine Operators and Tenders.
49–9030 PHOTOGRAPHIC PROCESS WORKERS AND PROCESSING MACHINE OPERATORS:			
49–9031	PHOTOGRAPHIC PROCESS WORKERS.	6868	Photographic Process Workers.
49–9032	PHOTOGRAPHIC PROCESSING MACHINE OPERATORS.	7671	Photographic Processing Machine Operators.
49–9041	SEMICONDUCTOR PROCESSORS	*772	ASSEMBLERS.
49–9042	SEPARATING, FILTERING, CLARIFYING, PRECIPITATING, AND STILL MACHINE SETTERS, OPERATORS, AND TENDERS.	7476	Still, Clarifying, and Precipitating Machine Setup Operators.
		*7666	Separating and Filtering Machine Operators and Tenders.
		*7676	Still, Clarifier and Precipitator Operators and Tenders.
49–9043	TIRE BUILDING MACHINE OPERATORS.	*7679	Miscellaneous Machine Operators and Tenders, Not Elsewhere Classified.
49–9044	HELPERS—PRODUCTION OCCUPATIONS.	8611	Helpers; Metalworking and Plastic Working Machine Operators and Tenders.
		8614	Helpers; Metal and Plastic Processing Machine Operators and Tenders.
		8615	Helpers; Woodworking Machine Operators and Tenders.
		8616	Helpers; Printing Machine Operators and Tenders.
		8617	Helpers; Textile, Apparel and Furnishings Machine Operators and Tenders.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
		8618	Helpers; Machine Operators and Tenders, Assorted Materials.
		8619	Helpers; Precision Production Occupations and Setup Operators
		862	HELPERS; FABRICATORS AND INSPECTORS.
49–9999	PRODUCTION WORKERS, ALL OTHER.	6879	Miscellaneous Precision Food Workers.
		*7349	Miscellaneous Metal and Plastic Processing Machine Setup Operators.
		*7529	Miscellaneous Metalworking and Plastic Working Machine Operators and Tenders.
		*7539	Miscellaneous Fabricating Machine Operators and Tenders.
		*7549	Miscellaneous Metal and Plastic Processing Machine Operators and Tenders.
		*7639	Miscellaneous Woodworking Machine Operators and Tenders.
		7755	Hand Forming and Shaping Occupations.
		6829	Miscellaneous Precision Metal Workers.
		*7679	Miscellaneous Machine Operators and Tenders, Not Elsewhere Classified.
		7759	Miscellaneous Hand Working Occupations.
		*7639	Miscellaneous Woodworking Machine Operators and Tenders.
		*7479	Miscellaneous Machine Setup Operators.
		*6869	Miscellaneous Precision Workers, Not Elsewhere Classified.
51–0000 TRANSPORTATION AND MATERIAL MOVING OCCUPATIONS			
51–1000 SUPERVISORS, TRANSPORTATION AND MATERIAL MOVING:			
51–1001	AIRCRAFT CARGO HANDLING SUPERVISORS.		
51–1002	FIRST-LINE SUPERVISORS/MANAGERS OF HELPERS, LABORERS, AND MATERIAL MOVERS, HAND.	85	SUPERVISORS; HANDLERS, EQUIPMENT CLEANERS, HELPERS, AND LABORERS.
51–1003	FIRST-LINE SUPERVISORS/MANAGERS OF TRANSPORTATION AND MATERIAL-MOVING MACHINE AND VEHICLE OPERATORS.	8111	Supervisors; Motor Vehicle Operators.
		812	SUPERVISORS; MATERIAL MOVING EQUIPMENT OPERATORS.
		*8242	Boat and Barge Operators.
51–2000 AIR TRANSPORTATION WORKERS:			
51–2010 AIRCRAFT PILOTS AND FLIGHT ENGINEERS:			
51–2011	AIRLINE PILOTS, COPILOTS, AND FLIGHT ENGINEERS.	*825	AIRPLANE PILOTS AND NAVIGATORS.
51–2012	COMMERCIAL PILOTS	*825	AIRPLANE PILOTS AND NAVIGATORS.
51–2020 AIR TRAFFIC CONTROLLERS AND AIRFIELD OPERATIONS SPECIALISTS:			
51–2021	AIR TRAFFIC CONTROLLERS	*392	AIR TRAFFIC CONTROLLERS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
51–2022	AIRFIELD OPERATIONS SPECIALISTS.	*392	AIR TRAFFIC CONTROLLERS.
51–3000 MOTOR VEHICLE OPERATORS:			
51–3001	AMBULANCE DRIVERS AND ATTENDANTS, EXCEPT EMERGENCY MEDICAL TECHNICIANS.	*5233	Health Aides, Except Nursing.
51–3010 BUS DRIVERS:			
51–3011	BUS DRIVERS, TRANSIT AND INTERCITY.	*8215	Bus Drivers.
51–3012	BUS DRIVERS, SCHOOL	*8215	Bus Drivers.
51–3021	DRIVER/SALES WORKERS	8218	Driver-Sales Workers.
51–3022	TAXI DRIVERS AND CHAUFFEURS	8216	Taxicab Drivers and Chauffeurs.
51–3030 TRUCK DRIVERS:			
51–3031	TRUCK DRIVERS, HEAVY AND TRACTOR-TRAILER.	8212	Truck Drivers, Tractor-trailer.
		8213	Truck Drivers, Heavy.
51–3032	TRUCK DRIVERS, LIGHT/DELIVERY SERVICES.	8214	Truck Drivers, Light (Including Delivery and Route Drivers).
51–3099	MOTOR VEHICLE OPERATORS, ALL OTHER.	*8219	Other Motor Transportation Occupations, Not Elsewhere Classified.
51–4000 RAIL TRANSPORTATION WORKERS:			
51–4010 LOCOMOTIVE ENGINEERS AND OPERATORS:			
51–4011	LOCOMOTIVE ENGINEERS	*8232	Locomotive Operating Occupations.
51–4012	LOCOMOTIVE FIRERS	*8232	Locomotive Operating Occupations.
51–4013	RAIL YARD ENGINEERS, DINKEY OPERATORS, AND HOSTLERS.	*8232	Locomotive Operating Occupations.
51–4021	RAILROAD BRAKE, SIGNAL, AND SWITCH OPERATORS.	8233	Railroad Brake, Signal, and Switch Operators.
51–4022	RAILROAD CONDUCTORS AND YARDMASTERS.	8113	Railroad Conductors and Yardmasters.
51–4023	SUBWAY AND STREETCAR OPERATORS.	*8232	Locomotive Operating Occupations.
51–4099	RAIL TRANSPORTATION WORKERS, ALL OTHER.	*8239	Rail Vehicle Operators, Not Elsewhere Classified.
51–5000 WATER TRANSPORTATION WORKERS:			
51–5001	BRIDGE AND LOCK TENDERS	8245	Bridge, Lock, and Lighthouse Tenders.
51–5002	SAILORS AND MARINE OILERS	8243	Sailors and Deckhands.
51–5010 SHIP AND BOAT CAPTAINS AND OPERATORS:			
51–5011	CAPTAINS, MATES, AND PILOTS OF WATER VESSELS.	8241	Ship Captains and Mates.
		*8242	Boat and Barge Operators.
51–5012	MOTORBOAT OPERATORS	*8242	Boat and Barge Operators.
51–5021	SHIP ENGINEERS	8244	Marine Engineers.
51–6000 OTHER TRANSPORTATION WORKERS:			
51–6001	CLEANERS OF VEHICLES AND EQUIPMENT.	875	VEHICLE WASHERS AND EQUIPMENT CLEANERS.
51–6002	PARKING LOT ATTENDANTS	874	PARKING LOT ATTENDANTS.
51–6003	SERVICE STATION ATTENDANTS	873	GARAGE AND SERVICE STATION RELATED OCCUPATIONS.
51–6004	TRAFFIC TECHNICIANS	*399	TECHNICIANS, NOT ELSEWHERE CLASSIFIED.
51–6005	TRANSPORTATION INSPECTORS	828	TRANSPORTATION INSPECTORS.
51–6099	TRANSPORTATION WORKERS, ALL OTHER.	*8219	Other Motor Transportation Occupations, Not Elsewhere Classified.
		*8239	Rail Vehicle Operators, Not Elsewhere Classified.
51–7000 MATERIAL MOVING WORKERS:			
51–7001	CONVEYOR OPERATORS AND TENDERS.	*8319	Miscellaneous Material-Moving Equipment Operators.
		8726	Freight, Stock, and Material Movers, Not Elsewhere Classified.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
51–7002	CRANE AND TOWER OPERATORS	8315	Crane and Tower Operators.
51–7003	ELEVATOR OPERATORS	5245	Elevator Operators.
51–7010 EXCAVATING, DREDGE, AND LOADING MACHINE OPERATORS:			
51–7011	DREDGE OPERATORS	*8316	Excavating and Loading Machine Operators.
51–7012	EXCAVATING AND LOADING MACHINE AND DRAGLINE OPERATORS.	*8316	Excavating and Loading Machine Operators.
51–7013	LOADING MACHINE OPERATORS, UNDERGROUND MINING.	*8316	Excavating and Loading Machine Operators.
51–7021	HOIST AND WINCH OPERATORS	8314	Hoist and Winch Operators.
		*8319	Miscellaneous Material Moving Equipment Operators.
51–7022	INDUSTRIAL TRUCK AND TRACTOR OPERATORS.	8318	Industrial Truck and Tractor Equipment Operators.
51–7023	MACHINE FEEDERS AND OFFBEARERS.	8725	Machine Feeders and Offbearers.
51–7024	PACKERS AND PACKAGERS, HAND.	8761	Hand Packers and Packagers.
51–7030 PUMPING STATION OPERATORS:			
51–7031	GAS COMPRESSOR AND GAS PUMPING STATION OPERATORS.	*8319	Miscellaneous Material Moving Equipment Operators.
51–7032	PUMP OPERATORS, EXCEPT WELLHEAD PUMPERS.	*8319	Miscellaneous Material Moving Equipment Operators.
51–7033	WELLHEAD PUMPERS	*8319	Miscellaneous Material Moving Equipment Operators.
51–7041	REFUSE AND RECYCLABLE MATERIAL COLLECTORS.	8722	Garbage Collectors.
51–7042	SHUTTLE CAR OPERATORS	*8319	Miscellaneous Material Moving Equipment Operators.
51–7043	TANK CAR AND TRUCK LOADERS	*8319	Miscellaneous Material Moving Equipment Operators.
51–7044	LABORERS AND FREIGHT, STOCK, AND MATERIAL MOVERS, HAND.	8723	Stevedores.
		8724	Stock Handlers and Baggers.
		8769	Manual Occupations, Not Elsewhere Classified.
51–7099	MATERIAL-MOVING WORKERS, ALL OTHER.	*8219	Other Motor Transportation Occupations, Not Elsewhere Classified.
		8313	Longshore Equipment Operators.
		*8319	Miscellaneous Material Moving Equipment Operators.
53–0000 MILITARY OCCUPATIONS			
53–1000 MILITARY OFFICER SPECIAL AND TACTICAL OPERATIONS LEADERS/MANAGERS:			
53–1001	AIR CREW OFFICERS	*91	MILITARY OCCUPATIONS.
53–1002	AIRCRAFT LAUNCH AND RECOVERY OFFICERS.	*91	MILITARY OCCUPATIONS.
53–1003	ARMORED ASSAULT VEHICLE OFFICERS.	*91	MILITARY OCCUPATIONS.
53–1004	ARTILLERY AND MISSILE OFFICERS.	*91	MILITARY OCCUPATIONS.
53–1005	COMMAND AND CONTROL CENTER OFFICERS.	*91	MILITARY OCCUPATIONS.
53–1006	INFANTRY OFFICERS	*91	MILITARY OCCUPATIONS.
53–1007	SPECIAL FORCES OFFICERS	*91	MILITARY OCCUPATIONS.
53–1099	MILITARY OFFICER SPECIAL AND TACTICAL OPERATIONS LEADERS/MANAGERS, ALL OTHER.	*91	MILITARY OCCUPATIONS.

1997 STANDARD OCCUPATIONAL CLASSIFICATION STRUCTURE, INCLUDING ITS RELATIONSHIP TO THE 1980 SOC—Continued

TABLE 1.—PROPOSED 1997 SOC MATCHED TO 1980 SOC

1997 SOC	Title	1980 SOC	Title
53–2000 FIRST-LINE ENLISTED MILITARY OPERATIONS AND WEAPONS SUPERVISORS/MANAGERS:			
53–2001	FIRST-LINE SUPERVISORS/MANAGERS OF AIR CREW MEMBERS.	*91	MILITARY OCCUPATIONS.
53–2002	FIRST-LINE SUPERVISORS/MANAGERS OF WEAPONS SPECIALISTS/CREW MEMBERS.	*91	MILITARY OCCUPATIONS.
53–2003	FIRST-LINE SUPERVISORS/MANAGERS OF ALL OTHER TACTICAL OPERATIONS SPECIALISTS.	*91	MILITARY OCCUPATIONS.
53–3000 MILITARY ENLISTED TACTICAL OPERATIONS AND AIR/WEAPONS SPECIALISTS AND CREW MEMBERS:			
53–3001	AIR CREW MEMBERS	*91	MILITARY OCCUPATIONS.
53–3002	AIRCRAFT LAUNCH AND RECOVERY SPECIALISTS.	*91	MILITARY OCCUPATIONS.
53–3003	ARMORED ASSAULT VEHICLE CREW MEMBERS.	*91	MILITARY OCCUPATIONS.
53–3004	ARTILLERY AND MISSILE CREW MEMBERS.	*91	MILITARY OCCUPATIONS.
53–3005	COMMAND AND CONTROL CENTER SPECIALISTS.	*91	MILITARY OCCUPATIONS.
53–3006	INFANTRY	*91	MILITARY OCCUPATIONS.
53–3007	RADAR AND SONAR TECHNICIANS.	*91	MILITARY OCCUPATIONS.
53–3008	SPECIAL FORCES	*91	MILITARY OCCUPATIONS.
53–3099	MILITARY ENLISTED TACTICAL OPERATIONS AND AIR/WEAPONS SPECIALISTS AND CREW MEMBERS, ALL OTHER.	*91	MILITARY OCCUPATIONS.

*1980 SOC occupations marked with an * link to more than one 1997 SOC occupation.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC

1980 SOC	Title	1997 SOC	Title
	Executive, Administrative and Managerial Occupations:		
11 OFFICIALS AND ADMINISTRATORS, PUBLIC ADMINISTRATION:			
111	LEGISLATORS	11–1003	LEGISLATORS.
112	CHIEF EXECUTIVES AND GENERAL ADMINISTRATORS.	11–1001	CHIEF EXECUTIVES.
113 OFFICIALS AND ADMINISTRATORS, GOVERNMENT AGENCIES:			
1131	Judicial, Public Safety and Corrections Administrators.	*11–1002	GENERAL AND OPERATIONS MANAGERS.
1132	Human Resources Program Administrators.	11–3048	SOCIAL AND COMMUNITY SERVICE MANAGERS.
1133	Natural Resources Program Administrators.	*11–1002	GENERAL AND OPERATIONS MANAGERS.
1134	Rural, Urban, and Community Development Program Administrators.	*11–1002	GENERAL AND OPERATIONS MANAGERS.
1135	Public Finance, Taxation, and Other Monetary Program Administrators.	*11–2012	TREASURERS, CONTROLLERS, AND CHIEF FINANCIAL OFFICERS.
1139	Officials and Administrators, Public Administration, Not Elsewhere Classified.	*11–3999	MANAGERS AND ADMINISTRATORS, ALL OTHER.
12–13 OFFICIALS AND ADMINISTRATORS, OTHER:			
121	GENERAL MANAGERS AND OTHER TOP EXECUTIVES.	*11–1002	GENERAL AND OPERATIONS MANAGERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
122	FINANCIAL MANAGERS	11–2011	FINANCIAL MANAGERS, BRANCH, OFFICE, AND DEPARTMENT.
		*11–2012	TREASURERS, CONTROLLERS, AND CHIEF FINANCIAL OFFICERS.
123	PERSONNEL AND LABOR RELATIONS MANAGERS.	11–2021	COMPENSATION AND BENEFITS MANAGERS.
		11–2022	TRAINING AND DEVELOPMENT MANAGERS.
124	PURCHASING MANAGERS	11–2052	PURCHASING MANAGERS.
125	MANAGERS; MARKETING, ADVERTISING, AND PUBLIC RELATIONS.	11–2002	ADVERTISING AND PROMOTIONS MANAGERS.
		11–2041	MARKETING MANAGERS.
		11–2042	SALES MANAGERS.
		11–2051	PUBLIC RELATIONS MANAGERS.
126	MANAGERS; ENGINEERING, MATHEMATICS, AND NATURAL SCIENCES.	11–2003	COMPUTER AND INFORMATION SYSTEMS MANAGERS.
		11–3041	ENGINEERING MANAGERS.
		*11–3045	NATURAL SCIENCES MANAGERS.
127	MANAGERS; SOCIAL SCIENCES AND RELATED FIELDS.	*11–3045	NATURAL SCIENCES MANAGERS.
128	ADMINISTRATORS; EDUCATION AND RELATED FIELDS.	*11–3045	NATURAL SCIENCES MANAGERS.
1281	Administrators; Colleges and Universities	11–3033	EDUCATION ADMINISTRATORS, POSTSECONDARY.
1282	Administrators; Elementary and Secondary Education.	11–3032	EDUCATION ADMINISTRATORS, ELEMENTARY AND SECONDARY SCHOOL.
1283	Administrators; Education and Related Fields, Not Elsewhere Classified.	11–3031	EDUCATION ADMINISTRATORS, PRESCHOOL AND CHILD CARE CENTER/PROGRAM.
		11–3039	EDUCATION ADMINISTRATORS, ALL OTHER.
131	MANAGERS; MEDICINE AND HEALTH	11–3044	MEDICAL AND HEALTH SERVICES MANAGERS.
132	PRODUCTION MANAGERS, INDUSTRIAL.	11–2031	INDUSTRIAL PRODUCTION MANAGERS.
133	CONSTRUCTION MANAGERS	11–3021	CONSTRUCTION MANAGERS.
134 PUBLIC UTILITIES MANAGERS:			
1341	Communications Operations Managers		
1342	Transportation Facilities and Operations Managers.	11–2053	TRANSPORTATION, STORAGE, AND DISTRIBUTION MANAGERS.
1343	Electricity, Gas, Water Supply, and Sanitary Services Managers		
1344	Postmasters and Mail Superintendents	11–3046	POSTMASTERS AND MAIL SUPERINTENDENTS.
135 MANAGERS; SERVICE ORGANIZATIONS:			
1351	Managers; Food Serving and Lodging Establishments.	11–3042	FOOD SERVICE MANAGERS.
		11–3043	LODGING MANAGERS.
1352	Managers; Entertainment and Recreation Facilities.	*11–1002	GENERAL AND OPERATIONS MANAGERS.
1353	Managers; Property and Leasing	11–3047	PROPERTY, REAL ESTATE, AND COMMUNITY ASSOCIATION MANAGERS.
1354	Managers; Membership Organizations	*11–1002	GENERAL AND OPERATIONS MANAGERS.
1359	Managers; Service Organizations, Not Elsewhere Classified.	*11–3999	MANAGERS AND ADMINISTRATORS, ALL OTHER.
136 MANAGERS; MINING, QUARRYING, WELL DRILLING, AND SIMILAR OPERATIONS:			
137	MANAGERS; ADMINISTRATIVE SERVICES.	11–2001	ADMINISTRATIVE SERVICES MANAGERS.
139	OFFICIALS AND ADMINISTRATORS; OTHER, NOT ELSEWHERE CLASSIFIED.	*11–3999	MANAGERS AND ADMINISTRATORS, ALL OTHER.
		13–1005	FUNERAL DIRECTORS.
14 MANAGEMENT RELATED OCCUPATIONS:			

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
141 ACCOUNTANTS, AUDITORS, AND OTHER FINANCIAL SPECIALISTS:			
1412	Accountants and Auditors	13–2001	ACCOUNTANTS AND AUDITORS.
1414	Underwriters	13–2021	INSURANCE UNDERWRITERS.
1415	Loan Officers	13–2031	LOAN COUNSELORS.
		13–2032	LOAN OFFICERS.
1419	Other Financial Officers	13–2011	FINANCIAL ANALYSTS.
		13–2012	PERSONAL FINANCIAL ADVISORS.
142	MANAGEMENT ANALYSTS	13–1022	MANAGEMENT ANALYSTS.
143	PERSONNEL, TRAINING, AND LABOR RELATIONS SPECIALISTS.	13–1011	EMPLOYMENT, RECRUITMENT, AND PLACEMENT SPECIALISTS.
		13–1012	COMPENSATION, BENEFITS, AND JOB ANALYSIS SPECIALISTS.
		13–1013	TRAINING AND DEVELOPMENT SPECIALISTS.
		13–1019	HUMAN RESOURCES AND LABOR RELATIONS SPECIALISTS, ALL OTHER.
144 PURCHASING AGENTS AND BUYERS:			
1442	Buyers, Wholesale and Retail Trade, except Farm Products.	*13–1002	BUYERS AND PURCHASING AGENTS.
1443	Purchasing Agents and Buyers, Farm Products.	*13–1002	BUYERS AND PURCHASING AGENTS.
1449	Purchasing Agents and Buyers, Not Elsewhere Classified.	*13–1002	BUYERS AND PURCHASING AGENTS.
145	BUSINESS AND PROMOTION AGENTS	13–1001	AGENTS AND BUSINESS MANAGERS OF ARTISTS, PERFORMERS, AND ATHLETES.
147 INSPECTORS AND COMPLIANCE OFFICERS:			
1472	Construction Inspectors	25–1011	CONSTRUCTION AND BUILDING INSPECTORS.
1473	Inspectors and Compliance Officers, except Construction.	25–1012	FINANCIAL EXAMINERS.
		25–1013	SAFETY AND HEALTH INSPECTORS AND COMPLIANCE OFFICERS, EXCEPT CONSTRUCTION.
		25–1014	TAX EXAMINERS, COLLECTORS, AND REVENUE AGENTS.
		25–1019	COMPLIANCE OFFICERS AND ENFORCEMENT INSPECTORS, ALL OTHER.
149	MANAGEMENT RELATED OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.	13–1003	COST ESTIMATORS.
		13–1023	MEETING AND CONVENTION PLANNERS.
		13–1099	BUSINESS OPERATIONS SPECIALISTS, ALL OTHER.
		13–2003	BUDGET ANALYSTS.
		13–2004	CREDIT ANALYSTS.
		13–2099	FINANCIAL SPECIALISTS, ALL OTHER.
	Engineers, Surveyors and Architects.		
16 ENGINEERS, SURVEYORS AND ARCHITECTS:			
161	ARCHITECTS	17–1001	ARCHITECTS, EXCEPT LANDSCAPE AND NAVAL.
162–3	ENGINEERS:		
1622	Aerospace Engineers	17–2001	AEROSPACE ENGINEERS.
1623	Metallurgical and Materials Engineers	17–2042	MATERIALS ENGINEERS.
1624	Mining Engineers	17–2044	MINING AND GEOLOGICAL ENGINEERS, INCLUDING MINE SAFETY ENGINEERS.
1625	Petroleum Engineers	17–2046	PETROLEUM ENGINEERS.
1626	Chemical Engineers	17–2004	CHEMICAL ENGINEERS.
1627	Nuclear Engineers	17–2045	NUCLEAR ENGINEERS.
1628	Civil Engineers	17–2005	CIVIL ENGINEERS.
		17–2021	ENVIRONMENTAL ENGINEERS.
1632	Agricultural Engineers	17–2002	AGRICULTURAL ENGINEERS.
1633	Electrical and Electronic Engineers	17–2011	ELECTRICAL ENGINEERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		17–2012	ELECTRONICS ENGINEERS, EXCEPT COMPUTER.
1634	Industrial Engineers	17–2032	INDUSTRIAL ENGINEERS.
1635	Mechanical Engineers	17–2043	MECHANICAL ENGINEERS.
1636	Computer Engineers	15–1012	COMPUTER SOFTWARE ENGINEERS, OPERATING SYSTEMS.
		17–2006	COMPUTER HARDWARE ENGINEERS.
1637	Marine Engineers and Naval Architects	17–2041	MARINE ENGINEERS AND NAVAL ARCHITECTS.
1639	Engineers, Not Elsewhere Classified	17–2003	BIOMEDICAL ENGINEERS.
		17–2031	HEALTH AND SAFETY ENGINEERS, EXCEPT MINING SAFETY ENGINEERS AND INSPECTORS.
		17–2099	ENGINEERS, ALL OTHER.
164 SURVEYORS AND MAPPING SCIENTISTS:			
1643	Land Surveyors	*17–1012	SURVEYORS.
1644	Cartographers	17–1011	CARTOGRAPHERS AND PHOTOGRAMMETRISTS.
1649	Surveyors and Mapping Scientists, Not Elsewhere Classified.	*17–1012	SURVEYORS.
17 COMPUTER, MATHEMATICAL, AND OPERATIONS RESEARCH OCCUPATIONS:	Natural Scientists and Mathematicians		
171	COMPUTER SCIENTISTS:		
1712	Computer Systems Analysts	15–1031	NETWORK SYSTEMS AND DATA COMMUNICATIONS ANALYSTS.
		15–1032	SYSTEMS ANALYSTS, SCIENCE AND ENGINEERING.
		15–1039	SYSTEMS ANALYSTS, ALL OTHER.
1719	Computer Scientists, Not Elsewhere Classified.	15–1001	COMPUTER AND INFORMATION SCIENTISTS, RESEARCH.
		15–1011	COMPUTER SOFTWARE APPLICATIONS ENGINEERS.
		15–1021	COMPUTER SUPPORT SPECIALISTS.
		15–1022	DATABASE ADMINISTRATORS.
		15–1023	NETWORK AND COMPUTER SYSTEMS ADMINISTRATORS.
		15–1099	COMPUTER SPECIALISTS, ALL OTHER.
172 OPERATIONS AND SYSTEMS RESEARCHERS AND ANALYSTS:			
1721	Operations Researchers and Analysts	13–1021	LOGISTICIANS.
1722	Systems Researchers and Analysts, Except Computer.	15–2003	OPERATIONS RESEARCHERS AND ANALYSTS.
173 MATHEMATICAL SCIENTISTS:			
1732	Actuaries	15–2001	ACTUARIES.
1733	Statisticians	15–2004	STATISTICIANS.
1739	Mathematical Scientists, Not Elsewhere Classified.	15–2002	MATHEMATICIANS.
18 NATURAL SCIENTISTS:			
184 PHYSICAL SCIENTISTS:			
1842	Astronomers	19–2001	ASTRONOMERS.
1843	Physicists	19–2022	PHYSICISTS.
1845	Chemists, Except Biochemists	19–2003	CHEMISTS.
1846	Atmospheric and Space Scientists	19–2002	ATMOSPHERIC AND SPACE SCIENTISTS.
1847	Geologists	19–2011	GEOSCIENTISTS, EXCEPT HYDROLOGISTS AND GEOGRAPHERS.
		19–2012	HYDROLOGISTS.
1849	Physical Scientists, Not Elsewhere Classified.	19–2004	ENVIRONMENTAL SCIENTISTS.
		19–2021	MATERIALS SCIENTISTS.
		19–2099	PHYSICAL SCIENTISTS, ALL OTHER.
		19–3003	GEOGRAPHERS.
185 LIFE SCIENTISTS		19–1099	LIFE SCIENTISTS, ALL OTHER.
1852	Forestry and Conservation Scientists	19–1031	CONSERVATION SCIENTISTS.
		19–1032	FORESTERS.
1853	Agricultural and Food Scientists	19–1011	ANIMAL SCIENTISTS.
		19–1012	FOOD SCIENTISTS AND TECHNOLOGISTS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		19–1013	SOIL AND PLANT SCIENTISTS.
1854	Biological Scientists	19–1021	BIOCHEMISTS AND BIOPHYSICISTS.
		19–1022	MICROBIOLOGISTS.
		19–1023	ZOOLOGISTS AND WILDLIFE BIOLOGISTS.
		19–1029	BIOLOGISTS, ALL OTHER.
1855	Medical Scientists	19–1041	MEDICAL SCIENTISTS.
	Social Scientists, Social Workers, Religious Workers, and Lawyers.		
19 SOCIAL SCIENTISTS AND URBAN PLANNERS:			
191 SOCIAL SCIENTISTS:			
1912	Economists	19–3002	ECONOMISTS.
		19–3011	MARKET RESEARCH ANALYSTS.
		19–3012	SURVEY RESEARCHERS.
1913	Historians	19–3004	HISTORIANS.
1914	Political Scientists	19–3021	POLITICAL SCIENTISTS.
1915	Psychologists	19–3031	CLINICAL, COUNSELING, AND SCHOOL PSYCHOLOGISTS.
		19–3032	INDUSTRIAL-ORGANIZATIONAL PSYCHOLOGISTS.
		19–3039	PSYCHOLOGISTS, ALL OTHER.
1916	Sociologists	19–3041	SOCIOLOGISTS.
1919	Social Scientists, Not Elsewhere Classified.	19–3001	ANTHROPOLOGISTS AND ARCHEOLOGISTS.
		19–3099	SOCIAL SCIENTISTS AND RELATED WORKERS, ALL OTHER.
192	URBAN AND REGIONAL PLANNERS	19–3042	URBAN AND REGIONAL PLANNERS.
20 SOCIAL RECREATION, AND RELIGIOUS WORKERS:			
203 SOCIAL AND RECREATION WORKERS:			
2032	Social Workers	23–1011	ALCOHOL AND SUBSTANCE ABUSE COUNSELORS.
		23–1012	MARRIAGE AND FAMILY COUNSELORS AND THERAPISTS.
		23–1013	MENTAL HEALTH COUNSELORS.
		23–1014	REHABILITATION COUNSELORS.
		23–1019	COUNSELORS, EXCEPT EDUCATIONAL, VOCATIONAL, AND SCHOOL, ALL OTHER.
		23–1021	CHILD, FAMILY, AND SCHOOL SOCIAL WORKERS.
		23–1022	MEDICAL AND PUBLIC HEALTH SOCIAL WORKERS.
		23–1023	MENTAL HEALTH AND SUBSTANCE ABUSE SOCIAL WORKERS.
		23–1029	SOCIAL WORKERS, ALL OTHER.
		23–1031	PROBATION OFFICERS AND CORRECTIONAL TREATMENT SPECIALISTS.
		23–1033	SOCIAL AND HUMAN SERVICE ASSISTANTS.
2033	Recreation Workers	23–1032	RECREATION WORKERS.
204 RELIGIOUS WORKERS:			
2042	Clergy	23–2001	CLERGY.
2049	Religious Workers, Not Elsewhere Classified.	23–2002	DIRECTORS, RELIGIOUS ACTIVITIES AND EDUCATION.
		23–2099	RELIGIOUS WORKERS, ALL OTHER.
21	LAWYERS AND JUDGES	25–1999	LEGAL WORKERS, ALL OTHER.
211	LAWYERS	25–1002	ARBITRATORS, MEDIATORS, AND CONCILIATORS.
		25–1023	LAWYERS.
212	JUDGES	25–1001	ADJUDICATORS, HEARINGS OFFICERS, AND JUDICIAL REVIEWERS.
		25–1021	JUDGES AND MAGISTRATES.
	Teachers, Librarians, and Counselors.		
22 TEACHERS; COLLEGE, UNIVERSITY AND OTHER POSTSECONDARY INSTITUTION:			
2212	Atmospheric, Earth, Marine, and Space Sciences Teachers.	27–2041	ATMOSPHERIC, EARTH, MARINE, AND SPACE SCIENCES TEACHERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
2213	Biological Sciences Teachers	27–2032	BIOLOGICAL SCIENCE TEACHERS.
2214	Chemistry Teachers	27–2042	CHEMISTRY TEACHERS, POSTSECONDARY.
2215	Physics Teachers	27–2055	PHYSICS TEACHERS, POSTSECONDARY.
2216	Natural Sciences Teachers, Not Elsewhere Classified.	27–2043	ENVIRONMENTAL SCIENCE TEACHERS, POSTSECONDARY.
		*27–2109	POSTSECONDARY TEACHERS, ALL OTHER.
2217	Psychology Teachers	27–2057	PSYCHOLOGY TEACHERS, POSTSECONDARY.
2218	Economics Teachers	27–2053	ECONOMICS TEACHERS, POSTSECONDARY.
2222	History Teachers	27–2095	HISTORY TEACHERS, POSTSECONDARY.
2223	Political Science Teachers	27–2056	POLITICAL SCIENCE TEACHERS, POSTSECONDARY.
2224	Sociology Teachers	27–2051	ANTHROPOLOGY AND ARCHEOLOGY TEACHERS, POSTSECONDARY.
		27–2058	SOCIOLOGY TEACHERS, POSTSECONDARY.
2225	Social Sciences Teachers, Not Elsewhere Classified.	27–2052	AREA, ETHNIC, AND CULTURAL STUDIES TEACHERS, POSTSECONDARY.
		27–2054	GEOGRAPHY TEACHERS, POSTSECONDARY.
		27–2059	SOCIAL SCIENCES TEACHERS, POSTSECONDARY, ALL OTHER.
2226	Engineering Teachers	27–2022	ENGINEERING TEACHERS, POSTSECONDARY.
2227	Mathematical Sciences Teachers	27–2012	MATHEMATICAL SCIENCE TEACHERS, POSTSECONDARY.
2228	Computer Science Teachers	*27–2011	COMPUTER SCIENCE TEACHERS, POSTSECONDARY.
2231	Medical Science Teachers	27–2061	HEALTH SPECIALTIES TEACHERS, POSTSECONDARY.
2232	Health Specialties Teachers, Not Elsewhere Classified.	27–2062	NURSING INSTRUCTORS AND TEACHERS, POSTSECONDARY.
2233	Business, Commerce and Marketing Teachers.	27–2001	BUSINESS TEACHERS, POSTSECONDARY.
2234	Agriculture Teachers	27–2031	AGRICULTURAL SCIENCES TEACHERS, POSTSECONDARY.
2235	Art, Drama, and Music Teachers	27–2091	ART, DRAMA, AND MUSIC TEACHERS, POSTSECONDARY.
2236	Physical Education Teachers	27–2103	RECREATION AND FITNESS STUDIES TEACHERS, POSTSECONDARY.
		*27–5005	SPORTS AND PHYSICAL TRAINING INSTRUCTORS AND COACHES.
2237	Education Teachers	27–2071	EDUCATION TEACHERS, POSTSECONDARY.
2238	English Teachers	27–2093	ENGLISH LANGUAGE AND LITERATURE TEACHERS, POSTSECONDARY.
2242	Foreign Language Teachers	27–2094	FOREIGN LANGUAGE AND LITERATURE TEACHERS, POSTSECONDARY.
2243	Law Teachers	27–2082	LAW TEACHERS, POSTSECONDARY.
2244	Social Work Teachers	27–2083	SOCIAL WORK TEACHERS, POSTSECONDARY.
2245	Theology Teachers	*27–2096	PHILOSOPHY AND RELIGION TEACHERS, POSTSECONDARY.
2246	Trade and Industrial Teachers	27–3003	VOCATIONAL EDUCATION AND TRAINING TEACHERS AND INSTRUCTORS.
2247	Home Economics Teachers	27–2102	HOME ECONOMICS TEACHERS, POSTSECONDARY.
2249	Teachers; Postsecondary, Not Elsewhere Classified.	*27–2011	COMPUTER SCIENCE TEACHERS, POSTSECONDARY.
		27–2021	ARCHITECTURE TEACHERS, POSTSECONDARY.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		27–2033	FORESTRY AND CONSERVATION SCIENCE TEACHERS, POSTSECONDARY.
		27–2072	LIBRARY SCIENCE TEACHERS, POSTSECONDARY.
		27–2081	CRIMINAL JUSTICE AND LAW ENFORCEMENT TEACHERS, POSTSECONDARY.
		27–2092	COMMUNICATIONS TEACHERS, POSTSECONDARY.
		*27–2096	PHILOSOPHY AND RELIGION TEACHERS, POSTSECONDARY.
		27–2101	GRADUATE ASSISTANTS, TEACHING.
		*27–2109	POSTSECONDARY TEACHERS, ALL OTHER.
23 TEACHERS, EXCEPT POSTSECONDARY INSTITUTION:			
231	PREKINDERGARTEN AND KINDERGARTEN TEACHERS.	27–1001	TEACHERS, PRESCHOOL.
		27–1002	TEACHERS, KINDERGARTEN.
232	ELEMENTARY SCHOOL TEACHERS	27–1003	TEACHERS, ELEMENTARY SCHOOL.
		27–1004	TEACHERS, MIDDLE SCHOOL.
233	SECONDARY SCHOOL TEACHERS	27–1005	TEACHERS, SECONDARY SCHOOL.
235	TEACHERS; SPECIAL EDUCATION	27–1006	SPECIAL EDUCATION TEACHERS.
236	INSTRUCTIONAL COORDINATORS	27–5004	INSTRUCTIONAL COORDINATORS.
239	ADULT EDUCATION AND OTHER TEACHERS, NOT ELSEWHERE CLASSIFIED.	27–3001	LITERACY, REMEDIAL EDUCATION, AND GED TEACHERS AND INSTRUCTORS.
		27–3002	SELF-ENRICHMENT EDUCATION TEACHERS.
		27–3099	TEACHERS AND INSTRUCTORS, ALL OTHER.
		27–5003	FARM AND HOME MANAGEMENT ADVISORS.
24	VOCATIONAL AND EDUCATIONAL COUNSELORS.	27–5002	EDUCATIONAL, VOCATIONAL, AND SCHOOL GUIDANCE COUNSELORS.
		41–5007	RESIDENTIAL ADVISORS.
25	LIBRARIANS, ARCHIVISTS, AND CURATORS		
251	LIBRARIANS	27–4021	LIBRARIANS.
252	ARCHIVISTS AND CURATORS	27–4011	ARCHIVISTS.
		27–4012	CURATORS.
		27–4013	MUSEUM TECHNICIANS AND CONSERVATORS.
	Health Diagnosing and Treating Practitioners.		
26 PHYSICIANS AND DENTISTS:			
261	PHYSICIANS	21–1031	ANESTHESIOLOGISTS.
		21–1032	FAMILY AND GENERAL PRACTITIONERS.
		21–1033	INTERNISTS, GENERAL.
		21–1034	OBSTETRICIANS AND GYNECOLOGISTS.
		21–1035	PEDIATRICIANS, GENERAL.
		21–1036	PSYCHIATRISTS.
		21–1037	SURGEONS.
		21–1039	PHYSICIANS, ALL OTHER SPECIALISTS.
262	DENTISTS	21–1011	DENTISTS, GENERAL.
		21–1012	PROSTHODONTISTS.
		21–1013	ORTHODONTISTS.
		21–1014	ORAL AND MAXILLOFACIAL SURGEONS.
27	VETERINARIANS	21–1061	VETERINARIANS.
28 OTHER HEALTH DIAGNOSING AND TREATING PRACTITIONERS:			
281	OPTOMETRISTS	21–1022	OPTOMETRISTS.
283	PODIATRISTS	21–1042	PODIATRISTS.
289	HEALTH DIAGNOSING AND TREATING PRACTITIONERS, NOT ELSEWHERE CLASSIFIED.	21–1001	CHIROPRACTORS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		21–1099	HEALTH DIAGNOSING AND TREATING PRACTITIONERS, ALL OTHER, INCLUDING ALTERNATIVE HEALTH CARE PROVIDRS.
		21–4999	HEALTH-RELATED WORKERS, ALL OTHER.
	Registered Nurses, Pharmacists, Dietitians, therapists, and Physician's Assistants.		
29 REGISTERED NURSES		21–1043	REGISTERED NURSES.
30 PHARMACISTS, DIETITIANS, THERAPISTS, AND PHYSICIAN'S ASSISTANTS:			
301	PHARMACISTS	21–1023	PHARMACISTS.
301	DIETITIANS	21–1021	DIETITIANS AND NUTRITIONISTS.
		21–2041	DOETETIC TECHNICIANS.
303	THERAPISTS:		
3031	Respiratory Therapists	21–1056	RESPIRATORY THERAPISTS.
		21–2048	RESPIRATORY THERAPY TECHNICIANS.
3032	Occupational Therapists	21–1052	OCCUPATIONAL THERAPISTS.
3033	Physical Therapists	21–1053	PHYSICAL THERAPISTS.
3034	Speech pathologists and Audiologists	21–1051	AUDIOLOGISTS.
		21–1057	SPEECH-LANGUAGE PATHOLOGISTS.
8039	Therapists, Not Elsewhere Classified	21–1055	RECREATIONAL THERAPISTS.
		21–1059	THERAPISTS, ALL OTHER.
304	PHYSICIAN'S ASSISTANTS	21–1041	PHYSICIAN ASSISTANTS.
	Writers, Artists, Entertainers, and Athletes.		
32 WRITERS, ARTISTS, PERFORMERS, AND RELATED WORKERS:			
321	AUTHORS	29–2022	WRITERS AND AUTHORS.
322	DESIGNERS	29–3001	COMMERCIAL AND INDUSTRIAL DESIGNERS.
		29–3002	FASHION DESIGNERS.
		29–3003	FLORAL DESIGNERS.
		29–3004	GRAPHIC DESIGNERS.
		29–3005	INTERIOR DESIGNERS.
		29–3006	LANDSCAPE ARCHITECTS.
		29–3007	MERCHANDISE DISPLAYERS AND WINDOW TRIMMERS.
		29–3008	SET AND EXHIBIT DESIGNERS.
		29–3099	DESIGNERS, ALL OTHER.
323	MUSICIANS AND COMPOSERS	29–1033	MUSIC DIRECTORS AND COMPOSERS.
		29–1034	MUSICIANS AND SINGERS.
324	ACTORS AND DIRECTORS	29–1031	ACTORS.
		29–1035	PRODUCERS AND DIRECTORS.
325	PAINTERS, SCULPTORS, CRAFT-ARTISTS AND ARTIST-PRINTMAKERS.		
		29–1012	CRAFT ARTISTS.
		29–1013	FINE ARTISTS, INCLUDING PAINTERS, SCULPTORS, AND ILLUSTRATORS.
		29–1014	MULTI-MEDIA ARTISTS AND ANIMATORS.
326	PHOTOGRAPHERS	29–2004	CAMERA OPERATORS, TELEVISION, VIDEO, AND MOTION PICTURE.
		29–2006	FILM AND VIDEO EDITORS.
		29–2011	PHOTOGRAPHERS.
327	DANCERS	29–1032	DANCERS AND CHOREOGRAPHERS.
328	PERFORMERS, NOT ELSEWHERE CLASSIFIED.	29–1039	PERFORMERS AND ENTERTAINERS, ALL OTHER.
329	WRITERS, ARTISTS, AND RELATED WORKERS; NOT ELSEWHERE CLASSIFIED.	27–5001	AUDIO-VISUAL COLLECTIONS SPECIALISTS.
		29–1019	ARTISTS AND RELATED WORKERS, ALL OTHER.
33 EDITORS, REPORTERS, PUBLIC RELATIONS SPECIALISTS, AND ANNOUNCERS:			
331	EDITORS AND REPORTERS:		
3312	Editors	29–2005	EDITORS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
3313	Reporters	29–2002	BROADCAST NEWS ANALYSTS.
		29–2014	REPORTERS AND CORRESPONDENTS.
332	PUBLIC RELATIONS SPECIALISTS AND PUBLICITY WRITERS.	29–2012	PUBLIC RELATIONS SPECIALISTS.
333	RADIO, TELEVISION AND OTHER ANNOUNCERS.		
34	ATHLETES AND RELATED WORKERS	21–4001	ATHLETIC TRAINERS.
		*27–5005	SPORTS AND PHYSICAL TRAINING INSTRUCTORS AND COACHES.
		29–1021	ATHLETES AND SPORTS COMPETITORS.
		29–1022	COACHES AND SCOUTS.
		29–1023	UMPIRES, REFEREES, AND OTHER SPORTS OFFICIALS.
	Health Technologists and Technicians.		
36 HEALTH TECHNOLOGISTS AND TECHNICIANS:			
362	CLINICAL LABORATORY TECHNOLOGISTS AND TECHNICIANS.	21–2011	MEDICAL AND CLINICAL LABORATORY TECHNICIANS.
		21–2012	MEDICAL AND CLINICAL LABORATORY TECHNOLOGISTS.
363	DENTAL HYGIENISTS	21–2021	DENTAL HYGIENISTS.
364	HEALTH RECORD TECHNOLOGISTS AND TECHNICIANS.	21–2044	MEDICAL RECORDS AND HEALTH INFORMATION TECHNICIANS.
365	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.	21–1054	RADIATION THERAPISTS.
		21–2031	DIAGNOSTIC MEDICAL SONOGRAPHERS.
		21–2032	NUCLEAR MEDICINE TECHNOLOGISTS.
		21–2033	RADIOLOGIC TECHNOLOGISTS AND TECHNICIANS.
366	LICENSED PRACTICAL NURSES	21–2043	LICENSED PRACTICAL AND LICENSED VOCATIONAL NURSES.
369	HEALTH TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.	21–2001	CARDIOVASCULAR TECHNOLOGISTS AND TECHNICIANS.
		21–2042	EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS.
		21–2045	OPTICIANS, DISPENSING.
		21–2046	PHARMACY TECHNICIANS.
		21–2047	PSYCHIATRIC TECHNICIANS.
		21–2051	SURGICAL TECHNOLOGISTS.
		21–2052	VETERINARY TECHNOLOGISTS AND TECHNICIANS.
		21–2099	HEALTH TECHNOLOGISTS AND TECHNICIANS, ALL OTHER.
		21–4002	HEALTH SERVICE COORDINATORS.
		21–4011	OCCUPATIONAL HEALTH AND SAFETY SPECIALISTS.
		21–4012	OCCUPATIONAL HEALTH AND SAFETY TECHNICIANS.
		21–4021	ORTHOTISTS AND PROSTHETISTS.
		21–2002	VETERINARY ASSISTANTS AND NONFARM ANIMAL CARETAKERS.
	Technologists and Technicians, Except Health.		
37 ENGINEERING AND RELATED TECHNOLOGISTS AND TECHNICIANS:			
371 ENGINEERING TECHNOLOGISTS AND TECHNICIANS:			
3711	Electrical and Electronic Engineering Technologists and Technicians.	17–3033	ELECTRICAL AND ELECTRONIC ENGINEERING TECHNICIANS.
		17–3034	ELECTRO- MECHANICAL TECHNICIANS.
3712	Industrial Engineering Technologists and Technicians.	17–3036	INDUSTRIAL ENGINEERING TECHNICIANS.
3713	Mechanical Engineering Technologists and Technicians.	17–3037	MECHANICAL ENGINEERING TECHNICIANS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
3719	Engineering Technologists and Technicians, Not Elsewhere Classified.	17–3021	ARCHITECTURAL TECHNICIANS, EXCEPT DRAFTERS.
		17–3031	AEROSPACE ENGINEERING AND OPERATIONS TECHNICIANS.
		17–3035	ENVIRONMENTAL ENGINEERING TECHNICIANS.
		17–3039	ENGINEERING TECHNICIANS, EXCEPT DRAFTERS, ALL OTHER.
372	DRAFTING OCCUPATIONS	17–3011	ARCHITECTURAL AND CIVIL DRAFTERS.
		17–3012	ELECTRICAL AND ELECTRONICS DRAFTERS.
		17–3013	MECHANICAL DRAFTERS.
		17–3019	DRAFTERS, ALL OTHER.
373 SURVEYING AND MAPPING TECHNICIANS:			
3733	Surveying Technicians	*17–3041	SURVEYING AND MAPPING TECHNICIANS.
3734	Cartographic Technicians	*17–3041	SURVEYING AND MAPPING TECHNICIANS.
3739	Surveying and Mapping Technicians, Not Elsewhere Classified.	*17–3041	SURVEYING AND MAPPING TECHNICIANS.
38 SCIENCE TECHNOLOGISTS AND TECHNICIANS:			
382	BIOLOGICAL TECHNOLOGISTS AND TECHNICIANS, EXCEPT HEALTH.	19–4001	AGRICULTURAL AND FOOD SCIENCE TECHNICIANS.
		19–4002	BIOLOGICAL TECHNICIANS.
		19–4006	FOREST AND CONSERVATION TECHNICIANS.
		43–3001	ANIMAL BREEDERS.
383 CHEMICAL AND NUCLEAR TECHNOLOGISTS AND TECHNICIANS:			
3831	Chemical Technologists and Technicians	19–4003	CHEMICAL TECHNICIANS.
3832	Nuclear Technologists and Technicians ..	19–4008	NUCLEAR TECHNICIANS.
3833	Petroleum Technologists and Technicians	19–4007	GEOLOGICAL AND PETROLEUM TECHNICIANS.
384	MATHEMATICAL TECHNICIANS	15–2099	MATHEMATICAL SCIENTISTS AND TECHNICIANS, ALL OTHER.
389	SCIENCE TECHNOLOGISTS AND TECHNICIANS, NOT ELSEWHERE CLASSIFIED.	19–4004	ENVIRONMENTAL SCIENCE TECHNICIANS.
		19–4005	FORENSIC SCIENCE TECHNICIANS.
		19–4011	SOCIAL SCIENCE TECHNICIANS.
		19–4099	LIFE AND PHYSICAL SCIENCE TECHNICIANS, ALL OTHER.
39 TECHNICIANS; EXCEPT HEALTH, ENGINEERING, AND SCIENCE:			
392	AIR TRAFFIC CONTROLLERS	51–2021	AIR TRAFFIC CONTROLLERS.
		51–2022	AIRFIELD OPERATIONS SPECIALISTS.
393	RADIO AND RELATED OPERATORS	29–2003	BROADCAST TECHNICIANS.
		29–2013	RADIO OPERATORS.
396	LEGAL TECHNICIANS	25–1022	LAW CLERKS.
		25–1024	PARALEGALS AND LEGAL ASSISTANTS.
		25–1025	TITLE EXAMINERS, ABSTRACTORS, AND SEARCHERS.
397 PROGRAMMERS:			
3971	Programmers, Business	*15–1002	COMPUTER PROGRAMMERS.
3972	Programmers, Scientific	*15–1002	COMPUTER PROGRAMMERS.
3974	Programmers, Numerical, Tool and Process Control.	49–4034	NUMERICAL TOOL AND PROCESS CONTROL PROGRAMMERS.
398	TECHNICAL WRITERS	29–2021	TECHNICAL WRITERS.
399	TECHNICIANS, NOT ELSEWHERE CLASSIFIED.	17–3032	CIVIL ENGINEERING TECHNICIANS.
		29–2007	INTERPRETERS AND TRANSLATORS.
		29–2015	SOUND ENGINEERING TECHNICIANS.
		41–5005	MORTICIANS AND EMBALMERS.
		51–6004	TRAFFIC TECHNICIANS.
	Marketing and Sales Occupations.	.....	
40 SUPERVISORS, MARKETING AND SALES OCCUPATIONS:			

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
401	SUPERVISORS; SALES OCCUPATIONS, INSURANCE, REAL ESTATE, AND BUSINESS SERVICES.	*31–1002	FIRST-LINE SUPERVISORS/MANAGERS OF NON-RETAIL SALES WORKERS.
402	SUPERVISORS; SALES OCCUPATIONS, COMMODITIES EXCEPT RETAIL.	*31–1002	FIRST-LINE SUPERVISORS/MANAGERS OF NON-RETAIL SALES WORKERS.
403	SUPERVISORS; SALES OCCUPATIONS, RETAIL.	31–1001	FIRST-LINE SUPERVISORS/MANAGERS OF RETAIL STORE WORKERS.
41 INSURANCE, SECURITIES, REAL ESTATE, AND BUSINESS SERVICE SALES OCCUPATIONS:			
412 INSURANCE, REAL ESTATE, AND SECURITIES SALES OCCUPATIONS:			
4122	Insurance Sales Occupations	31–2032	INSURANCE SALES AGENTS.
4123	Real Estate Sales Occupations	31–2011	REAL ESTATE BROKERS.
		31–2012	REAL ESTATE SALES AGENTS.
4124	Securities and Financial Services Sales Occupations.	31–2033	SECURITIES, COMMODITIES, AND FINANCIAL SERVICES SALES AGENTS.
415 BUSINESS SERVICE SALES OCCUPATIONS:			
4152	Business Service, Except Advertising, Sales Occupations.	31–2039	SALES REPRESENTATIVES AND SALESPERSONS, SERVICES, ALL OTHER.
4153	Advertising and Related Sales Occupations.	31–2031	ADVERTISING SALES AGENTS.
42 SALES OCCUPATIONS, COMMODITIES EXCEPT RETAIL:			
421	SALES ENGINEERS	31–2022	SALES ENGINEERS.
423	TECHNICAL SALES WORKERS AND SERVICE ADVISORS.		
4232	Technical Sales Workers, Aircraft	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS
4233	Technical Sales Workers, Agricultural Equipment and Supplies.	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.
4234	Technical Sales Workers, Electronic Equipment.	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.
4235	Technical Sales Workers, Industrial Machinery, Equipment, and Supplies.	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.
4236	Technical Sales Workers, Medical and Dental Equipment and Supplies.	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.
4237	Technical Sales Workers; Chemicals and Chemical Products.	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.
4239	Technical Sales Workers, Not Elsewhere Classified.	*31–2041	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS.
424 SALES REPRESENTATIVES:			
4242	Sales Representatives, Commercial and Industrial Equipment and Supplies.	*31–2042	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS.
4243	Sales Representatives, Garments and Related Textile Products.	*31–2042	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
4244	Sales Representatives, Motor Vehicles and Supplies.	*31–2042	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS.
4245	Sales Representatives; Pulp, Paper, and Paper Products.	*31–2042	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS.
4246	Sales Representatives; Farm Products and Livestock.	*31–2042	SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS.
4249	Sales Representatives; Not Elsewhere Classified.	*31–2999	SALES WORKERS, ALL OTHER.
43 SALES OCCUPATIONS, RETAIL:			
434–5 SALESPERSONS, COMMODITIES:			
4342	Salespersons; Motor Vehicles, Mobile Homes, and Supplies.	*31–2021	RETAIL SALESPERSONS.
4343	Salespersons; Musical Instruments and Supplies.	*31–2021	RETAIL SALESPERSONS.
4344	Salespersons; Boats and Marine Equipment and Supplies.	*31–2021	RETAIL SALESPERSONS.
4345	Salespersons; Sporting Goods	*31–2021	RETAIL SALESPERSONS.
4346	Salespersons; Garments and Textile Products.	*31–2021	RETAIL SALESPERSONS.
4347	Salespersons; Books, Stamps, Coins, and Stationery.	*31–2021	RETAIL SALESPERSONS.
4348	Salespersons; Furniture and Home Furnishings.	*31–2021	RETAIL SALESPERSONS.
4351	Salespersons, Shoes	*31–2021	RETAIL SALESPERSONS.
4352	Salespersons; Radio, Television, High Fidelity, and Household Appliances.	*31–2021	RETAIL SALESPERSONS.
4353	Salespersons; Hardware	*31–2021	RETAIL SALESPERSONS.
4354	Salespersons; Cosmetics, Toiletries, and Allied Products.	*31–2021	RETAIL SALESPERSONS.
4356	Salespersons; Jewelry and Related Products.	*31–2021	RETAIL SALESPERSONS.
4359	Salespersons; Not Elsewhere Classified	*31–2999	SALES WORKERS, ALL OTHER.
436 SALES OCCUPATIONS; OTHER:			
4362	Sales Clerks	*31–2021	RETAIL SALESPERSONS.
4363	Counter Clerks	31–2002	COUNTER AND RENTAL CLERKS.
4364	Cashiers	31–2001	CASHIERS.
4365	News Vendors	*31–2004	DOOR-TO-DOOR SALES WORKERS, NEWS AND STREET VENDORS, AND OTHER RELATED WORKERS.
4366	Street Vendors, Door-to-door Sales Workers, and Related Occupations.	*31–2004	DOOR-TO-DOOR SALES WORKERS, NEWS AND STREET VENDORS, AND OTHER RELATED WORKERS
		31–2051	TELEMARKETERS.
4367	Salespersons; Parts	31–2006	PARTS SALESPERSONS.
4369	Sales Occupations; Services, Not Elsewhere Classified.	31–2034	TRAVEL AGENTS.
44 SALES RELATED OCCUPATIONS:			
444	APPRAISERS AND RELATED OCCUPATIONS.	13–2002	ASSESSORS AND REAL ESTATE APPRAISERS.
445	DEMONSTRATORS, PROMOTERS, AND MODELS.	31–2003 31–2005	DEMONSTRATORS AND PRODUCT PROMOTERS. MODELS.
446	SHOPPERS	*31–2999	SALES WORKERS, ALL OTHER.
447	AUCTIONEERS	*31–2999	SALES WORKERS, ALL OTHER.
449	SALES OCCUPATIONS; OTHER, NOT ELSEWHERE CLASSIFIED.	*31–2999	SALES WORKERS, ALL OTHER.
	Administrative Support Occupations, including Clerical..		
45 SUPERVISORS, ADMINISTRATIVE SUPPORT OCCUPATIONS, INCLUDING CLERICAL:			
4511	Supervisors; General Office Occupations	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
4512	Supervisors; Computer and Peripheral Equipment Operators.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4513	Supervisors; Secretaries, Stenographers and Typists.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4514	Supervisors; Information Clerks	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4516	Supervisors; Correspondence Clerks and Order Clerks.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4519	Supervisors; Record Clerks	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4521	Supervisors; Financial Record Processing Occupations.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4522	Supervisors; Duplicating, Mail and Other Office Machine Operators.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4523	Chief Communications Operators	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4524	Supervisors; Mail and Message Distribution Clerks.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4525	Supervisors; Material Recording, Scheduling, and Distributing Clerks.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
4528	Supervisors; Adjusters, Investigators, and Collectors.	*33–2011	CLAIMS EXAMINERS, PROPERTY AND CASUALTY INSURANCE.
4529	Supervisors; Miscellaneous Administrative Support Occupations.	*33–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CLERICAL AND ADMINISTRATIVE SUPPORT WORKERS.
46–47 ADMINISTRATIVE SUPPORT OCCUPATIONS, INCLUDING CLERICAL:			
461 COMPUTER AND PERIPHERAL EQUIPMENT OPERATORS:			
4612	Computer Operators	*33–9001	COMPUTER OPERATORS.
4613	Peripheral Equipment Operators	*33–9001	COMPUTER OPERATORS.
462 SECRETARIES, STENOGRAPHERS AND TYPISTS:			
4622	Secretaries	33–8001	EXECUTIVE SECRETARIES AND ADMINISTRATIVE ASSISTANTS.
		33–8002	SECRETARIES, LEGAL.
		33–8003	SECRETARIES, MEDICAL.
		33–8099	SECRETARIES, ALL OTHER (EXCEPT LEGAL, MEDICAL, AND EXECUTIVE).
4623	Stenographers	33–6001	COURT REPORTERS, MEDICAL TRANSCRIPTIONISTS, AND STENOGRAPHERS.
4624	Typists	33–6003	WORD PROCESSORS AND TYPISTS.
463	GENERAL OFFICE OCCUPATIONS	33–9004	OFFICE CLERKS, GENERAL.
464	INFORMATION CLERKS.		
4642	Interviewing Clerks	33–5011	INTERVIEWERS, EXCEPT ELIGIBILITY AND PERSONNEL.
		33–5012	LOAN INTERVIEWERS AND CLERKS.
4643	Hotel Clerks	33–5008	HOTEL, MOTEL, AND RESORT DESK CLERKS.
4644	Reservation Agents and Transportation Ticket Clerks.	33–5016	RESERVATION AND TRANSPORTATION TICKET AGENTS AND TRAVEL CLERKS.
4645	Receptionists	33–5015	RECEPTIONISTS AND INFORMATION CLERKS.
4649	Information Clerks, Not Elsewhere Classified.	33–5005	CUSTOMER SERVICE REPRESENTATIVES, EXCEPT SALES AND FINANCIAL.
		33–5099	INFORMATION AND RECORD CLERKS, ALL OTHER.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
466 CORRESPONDENCE CLERKS AND ORDER CLERKS:			
4662	Classified-ad Clerks	*33–5013	ORDER CLERKS.
4663	Correspondence Clerks	33–5002	CORRESPONDENCE CLERKS.
4664	Order Clerks	33–4004	PROCUREMENT CLERKS.
		*33–5013	ORDER CLERKS.
469 RECORD CLERKS:			
4692	Personnel Clerks, Except Payroll and Timekeeping.	33–5014	PERSONNEL ASSISTANTS, EXCEPT PAYROLL AND TIMEKEEPING.
4694	Library Clerks	27–4022	LIBRARY TECHNICIANS AND ASSISTANTS.
4696	File Clerks	33–5007	FILE CLERKS.
4699	Record Clerks, Not Elsewhere Classified	33–5001	BROKERAGE CLERKS.
471 FINANCIAL RECORD PROCESSING OCCUPATIONS:			
4712	Bookkeepers and Accounting and Auditing Clerks.	13–2041	TAX PREPARERS.
		33–4002	BOOKKEEPING, ACCOUNTING, AND AUDITING CLERKS.
4713	Payroll and Timekeeping Clerks	33–4003	PAYROLL AND TIMEKEEPING CLERKS.
4715	Billing Clerks	*33–4001	BILLING AND POSTING CLERKS AND MACHINE OPERATORS.
4716	Cost and Rate Clerks	*33–4001	BILLING AND POSTING CLERKS AND MACHINE OPERATORS.
4718	Billing, Posting, and Calculating Machine Operators.	*33–4001	BILLING AND POSTING CLERKS AND MACHINE OPERATORS.
472 DUPLICATING, MAIL AND OTHER OFFICE MACHINE OPERATORS:			
4722	Duplicating Machine Operators..		
4723	Mail Preparing and Handling Machine Operators.	*33–7007	POSTAL SERVICE MAIL SORTERS, PROCESSORS, AND PROCESSING MACHINE OPERATORS.
4729	Office Machine Operators, Not Elsewhere Classified.	33–9005	OFFICE MACHINE OPERATORS, EXCEPT COMPUTER.
		*33–9999	OFFICE AND ADMINISTRATION WORKERS, ALL OTHER.
473 COMMUNICATIONS EQUIPMENT OPERATORS:			
4732	Telephone Operators	33–3001	SWITCHBOARD OPERATORS, INCLUDING ANSWERING SERVICE.
		33–3002	TELEPHONE OPERATORS.
4733	Telegraphers	*33–9999	OFFICE AND ADMINISTRATION WORKERS, ALL OTHER.
4739	Communications Equipment Operators, Not Elsewhere Classified.	33–3099	COMMUNICATIONS EQUIPMENT OPERATORS, ALL OTHER.
474 MAIL AND MESSAGE DISTRIBUTING OCCUPATIONS:			
4742	Postal Clerks; Except Mail Carriers	33–7005	POSTAL SERVICE CLERKS.
		*33–7007	POSTAL SERVICE MAIL SORTERS, PROCESSORS, AND PROCESSING MACHINE OPERATORS.
4743	Mail Carriers, Post Office	33–7006	POSTAL SERVICE MAIL CARRIERS.
4744	Mail Clerks, Except Post Office	33–9003	MAIL CLERKS AND MAIL MACHINE OPERATORS, EXCEPT POSTAL SERVICE.
4745	Messengers	33–9002	COURIERS AND MESSENGERS.
475 MATERIAL RECORDING, SCHEDULING, AND DISTRIBUTING CLERKS:			
4751	Dispatchers	33–7002	DISPATCHERS, EXCEPT POLICE, FIRE, AND AMBULANCE.
		33–7004	POLICE, FIRE, AND AMBULANCE DISPATCHERS.
4752	Production and Planning Clerks	*33–7008	PRODUCTION, PLANNING, AND EXPEDITING CLERKS.
4753	Traffic, Shipping, and Receiving Clerks	33–7001	CARGO AND FREIGHT AGENTS.
		33–7011	SHIPPING, RECEIVING, AND TRAFFIC CLERKS.
4754	Stock and Inventory Clerks	33–7012	STOCK CLERKS AND ORDER FILLERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
4755	Meter Readers	33–7003	METER READERS, UTILITIES.
4756	Weighers, Measurers, and Checks	*33–7013	WEIGHERS, MEASURERS, CHECKERS, AND SAMPLERS, RECORDKEEPING.
4757	Samplers	*33–7013	WEIGHERS, MEASURERS, CHECKERS, AND SAMPLERS, RECORDKEEPING.
4758	Expediters	*33–7008	PRODUCTION, PLANNING, AND EXPEDITING CLERKS.
4759	Material Recording, Scheduling, and Distributing Clerks, Not Elsewhere Classified.	*33–9999	OFFICE AND ADMINISTRATION WORKERS, ALL OTHER.
478 ADJUSTERS, INVESTIGATORS, AND COLLECTORS:			
4782	Insurance Adjusters, Examiners, and Investigators.	*33–2011	CLAIMS EXAMINERS, PROPERTY AND CASUALTY INSURANCE.
		33–2012	INSURANCE APPRAISERS, AUTO DAMAGE.
		33–2021	INSURANCE CLAIMS AND POLICY PROCESSING CLERKS.
4783	Investigators and Adjusters, Except Insurance.	33–5004	CREDIT AUTHORIZERS, CHECKERS, AND CLERKS.
4784	Clerks, Social Welfare	*33–5006	ELIGIBILITY INTERVIEWERS, GOVERNMENT PROGRAMS.
4786	Bill and Account Collectors	33–2001	BILL AND ACCOUNT COLLECTORS.
4787	License Clerks	33–5003	COURT, MUNICIPAL, AND LICENSE CLERKS.
479 MISCELLANEOUS ADMINISTRATIVE SUPPORT OCCUPATIONS, INCLUDING CLERICAL:			
4791	Bank Tellers	33–4005	TELLERS AND CUSTOMER SERVICE REPRESENTATIVES, FINANCIAL INSTITUTIONS.
4792	Proof Readers	33–9006	PROOFREADERS AND COPY MARKERS.
4793	Data Entry Keyers	33–6002	DATA ENTRY KEYERS.
4794	Statistical Clerks	33–9007	STATISTICAL ASSISTANTS.
4795	Teacher Aides	27–5006	TEACHER AIDES.
4799	Administrative Support Occupations, including Clerical, Not Elsewhere Classified.	*33–9999	OFFICE AND ADMINISTRATION WORKERS, ALL OTHER.
	Service Occupations..		
50 PRIVATE HOUSEHOLD OCCUPATIONS:			
502	DAY WORKERS	*39–2002	MAIDS AND HOUSEKEEPING CLEANERS.
503	LAUNDERERS AND IRONERS	*41–5999	PERSONAL CARE AND SERVICE WORKERS, ALL OTHER.
504	COOKS, PRIVATE HOUSEHOLD	37–2013	COOKS, PRIVATE HOUSEHOLD.
505	HOUSEKEEPERS AND BUTLERS	*39–2002	MAIDS AND HOUSEKEEPING CLEANERS.
506	CHILD CARE WORKERS, PRIVATE HOUSEHOLD.	*41–5001	CHILD CARE WORKERS.
507	PRIVATE HOUSEHOLD CLEANERS AND SERVANTS.	*39–2002	MAIDS AND HOUSEKEEPING CLEANERS.
509	PRIVATE HOUSEHOLD OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.	*41–5999	PERSONAL CARE AND SERVICE WORKERS, ALL OTHER.
51 PROTECTIVE SERVICE OCCUPATIONS:			
511 SUPERVISORS; SERVICE OCCUPATIONS, PROTECTIVE:			
5111	Supervisors; Firefighting and Fire Prevention Occupations.	35–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FIRE FIGHTING AND PREVENTION WORKERS.
5112	Supervisors; Police and Detectives	35–1012	FIRST-LINE SUPERVISORS/MANAGERS OF POLICE AND DETECTIVES.
5113	Supervisors; Guards	35–1011	FIRST-LINE SUPERVISORS/MANAGERS OF CORRECTIONAL OFFICERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		35–1099	PROTECTIVE SERVICE SUPERVISORS, ALL OTHER.
512 FIREFIGHTING AND FIRE PREVENTION OCCUPATIONS:			
5112	Fire Inspection and Fire Prevention Occupations.	35–2011	FIRE INSPECTORS AND INVESTIGATORS.
		35–2012	FOREST FIRE INSPECTORS AND PREVENTION SPECIALISTS.
5123	Firefighting Occupations	35–2001	FIRE FIGHTERS.
513 POLICE AND DETECTIVES:			
5132	Police and Detectives, Public Service	35–3002	DETECTIVES AND CRIMINAL INVESTIGATORS.
		*35–3011	POLICE AND SHERIFF'S PATROL OFFICERS.
5133	Correctional Institution Officers	35–3001	CORRECTIONAL OFFICERS AND JAILERS.
5134	Sheriffs, Bailiffs, and Other Law Enforcement Officers.	*35–3011	POLICE AND SHERIFF'S PATROL OFFICERS.
		35–3021	BAiLIFFS.
		35–3022	FISH AND GAME WARDENS.
		35–3023	UNITED STATES MARSHALS.
		35–4004	PARKING ENFORCEMENT WORKERS.
514 GUARDS:			
5142	Crossing Guards	35–4002	CROSSING GUARDS.
5144	Guards and Police, Except Public Service	35–4005	PRIVATE DETECTIVES AND INVESTIGATORS.
		35–4006	SECURITY GUARDS.
5149	Protective Service Occupations, Not Elsewhere Classified.	13–1004	EMERGENCY MANAGEMENT SPECIALISTS.
		35–3012	TRANSIT AND RAILROAD POLICE.
		35–4001	ANIMAL CONTROL WORKERS.
		35–4003	LIFEGUARDS, SKI PATROL, AND OTHER RECREATIONAL PROTECTIVE SERVICE WORKERS.
		35–4999	PROTECTIVE SERVICE WORKERS, ALL OTHER.
52 SERVICE OCCUPATIONS, EXCEPT PRIVATE HOUSEHOLD AND PROTECTIVE:			
521 FOOD AND BEVERAGE PREPARATION AND SERVICE OCCUPATIONS:			
5211	Supervisors; Food and Beverage Preparation and Service Occupations.	37–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FOOD PREPARATION AND SERVING WORKERS.
		37–1002	CHEFS AND HEAD COOKS.
5212	Bartenders	37–3001	BARTENDERS.
5213	Waiters and Waitresses	37–3021	FOOD SERVERS, NON-RESTAURANT.
		37–3022	WAITERS AND WAITRESSES.
5214	Cooks, Except Short Order	37–2012	COOKS, INSTITUTION AND CAFETERIA.
		37–2014	COOKS, RESTAURANT.
5215	Short-order Cooks	37–2011	COOKS, FAST FOOD.
		37–2015	COOKS, SHORT ORDER.
5216	Food Counter, Fountain and Related Occupations.	37–3011	COMBINED FOOD PREPARATION AND SERVING WORKERS, INCLUDING FAST FOOD.
		37–3012	COUNTER ATTENDANTS, CAFETERIA, FOOD CONCESSION, AND COFFEE SHOP.
5217	Kitchen Workers, Food Preparation	37–2021	FOOD PREPARATION WORKERS.
5218	Waiters'/Waitresses' Assistants	37–3002	DINING ROOM AND CAFETERIA ATTENDANTS AND BARTENDER HELPERS.
5219	Miscellaneous Food and Beverage Preparation Occupations.	37–4001	DISHWASHERS.
		37–4002	HOSTS AND HOSTESSES, RESTAURANT, LOUNGE, AND COFFEE SHOP.
		37–4999	FOOD PREPARATION AND SERVING WORKERS, ALL OTHER.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
523	HEALTH SERVICE OCCUPATIONS:	21–3099	HEALTH SERVICE ASSISTANTS AND ATTENDANTS, ALL OTHER.
5232	Dental Assistants	21–3001	DENTAL ASSISTANTS.
5233	Health Aides, Except Nursing	21–3002	HOME HEALTH AIDES.
		21–3003	MEDICAL ASSISTANTS.
		21–3011	OCCUPATIONAL THERAPY AIDES.
		21–3012	OCCUPATIONAL THERAPY ASSISTANTS.
		21–3021	PHARMACY AIDES.
		21–3022	PHLEBOTOMISTS.
		21–3031	PHYSICAL THERAPY AIDES.
		21–3032	PHYSICAL THERAPY ASSISTANTS.
		21–3041	PSYCHIATRIC AIDES.
		21–4003	MEDICAL EQUIPMENT PREPARERS.
		51–3001	AMBULANCE DRIVERS AND ATTENDANTS, EXCEPT EMERGENCY MEDICAL TECHNICIANS.
5236	Nursing Aides, Orderlies, and Attendants.	21–3004	NURSING AIDES, ORDERLIES, AND ATTENDANTS.
524 CLEANING AND BUILDING SERVICE OCCUPATIONS, EXCEPT PRIVATE HOUSEHOLD:			
5241	Supervisors; Cleaning and Building Service Workers.	39–1001	FIRST-LINE SUPERVISORS/MANAGERS OF HOUSEKEEPING AND JANITORIAL WORKERS.
5242	Maids and Housemen	*39–2002	MAIDS AND HOUSEKEEPING CLEANERS.
5244	Janitors and Cleaners	39–2001	JANITORS AND CLEANERS, EXCEPT MAIDS AND HOUSEKEEPING CLEANERS.
5245	Elevator Operators	51–7003	ELEVATOR OPERATORS.
5246	Pest Control Occupations	39–2003	PEST CONTROL WORKERS AND ASSISTANTS.
5249	Cleaning and Building Service Occupations, Not Elsewhere Classified.	39–2099	BUILDING CLEANING WORKERS, ALL OTHER.
525–6 PERSONAL SERVICE OCCUPATIONS:			
5251	Supervisors; Personal Service Occupations.	41–1001	FIRST-LINE SUPERVISORS/MANAGERS OF GAMING WORKERS.
		41–1002	FIRST-LINE SUPERVISORS/MANAGERS OF PERSONAL SERVICE WORKERS.
5252	Barbers	41–3001	BARBERS.
5253	Hairdressers and Cosmetologists	41–3002	HAIRDRESSERS, HAIRSTYLISTS, AND COSMETOLOGISTS.
		41–3003	MAKEUP ARTISTS, THEATRICAL AND PERFORMANCE.
		41–3004	MANICURISTS.
		41–3005	SHAMPOOERS.
5254	Attendants, Amusement and Recreation Facilities.	41–2001	AMUSEMENT AND RECREATION ATTENDANTS.
		41–2011	GAMES OF CHANCE ATTENDANTS.
		41–2012	GAMING DEALERS.
		41–2013	MUTUEL CASHIERS AND GAMES OF CHANCE WRITERS.
5255	Guides	41–4005	TOUR GUIDES AND ESCORTS.
		41–4006	TRAVEL GUIDES.
5256	Ushers	41–2021	USHERS, LOBBY ATTENDANTS, AND TICKET TAKERS.
5257	Public Transportation Attendants	41–4003	FLIGHT ATTENDANTS.
		41–4004	TRANSPORTATION ATTENDANTS, EXCEPT FLIGHT ATTENDANTS AND BAGGAGE PORTERS.
5258	Wardrobe and Dressing Room Attendants.	41–2002	COSTUME ATTENDANTS.
		41–5003	LOCKER ROOM, COATROOM, AND DRESSING ROOM ATTENDANTS.
5262	Baggage Porters and Bellhops	41–4001	BAGGAGE PORTERS AND BELLHOPS.
5263	Welfare Service Aides	*33–5006	ELIGIBILITY INTERVIEWERS, GOVERNMENT PROGRAMS.
5264	Child Care Workers, Except Private Household.	*41–5001	CHILD CARE WORKERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
5269	Personal Service Occupations, Not Elsewhere Classified.	41–4002	CONCIERGES.
		41–5002	FUNERAL ATTENDANTS.
		41–5004	MASSEUSES/MASSEURS.
		41–5006	PERSONAL AND HOME CARE AIDES.
		*41–5999	PERSONAL CARE AND SERVICE WORKERS, ALL OTHER.
	Agricultural, Forestry and Fishing Occupations.		
55 FARM OPERATORS AND MANAGERS:			
551 FARMERS (WORKING PROPRIETORS):			
5512	General Farmers	*11–3012	FARMERS AND RANCHERS.
5513	Crop, Vegetable, Fruit and Tree Nut Farmers.	*11–3012	FARMERS AND RANCHERS.
5514	Livestock, Dairy, Poultry and Fish Farmers.	*11–3012	FARMERS AND RANCHERS.
5515	Horticultural Specialty Farmers	*11–3012	FARMERS AND RANCHERS.
552 FARM MANAGERS:			
5522	Managers; General Farm	*11–3011	FARM, RANCH, AND OTHER AGRICULTURAL MANAGERS.
5523	Managers; Crop, Vegetable, Fruit and Tree Nut Farm.	*11–3011	FARM, RANCH, AND OTHER AGRICULTURAL MANAGERS.
5524	Managers; Livestock, Dairy, Poultry and Fish Farm.	*11–3011	FARM, RANCH, AND OTHER AGRICULTURAL MANAGERS.
5525	Managers; Horticultural Specialty Farm	*11–3011	FARM, RANCH, AND OTHER AGRICULTURAL MANAGERS.
56	OTHER AGRICULTURAL AND RELATED OCCUPATIONS:	39–3099	GROUNDS MAINTENANCE WORKERS, ALL OTHER.
		43–3099	AGRICULTURAL PRODUCTION WORKERS, ALL OTHER.
561 FARM OCCUPATIONS, EXCEPT MANAGERIAL:			
5611	Supervisors; Farm Workers	*43–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FARMING, FORESTRY, AND RELATED WORKERS.
5612	General Farm Workers	*43–3003	FARM LABOR CONTRACTORS.
5613	Field Crop and Vegetable Farm Workers (Hand).	*43–3003	FARM LABOR CONTRACTORS.
		*43–3012	FARMWORKERS AND LABORERS, CROP, NURSERY, AND GREENHOUSE.
5614	Orchard and Vineyard and Related Workers (Hand).		
5615	Irrigation Workers	*43–5999	FARMING, FISHING, AND FORESTRY WORKERS, ALL OTHER.
5616	Farm Machinery Operators	43–3011	AGRICULTURAL EQUIPMENT OPERATORS.
5617	Livestock Workers	43–3013	FARMWORKERS, FARM AND RANCH ANIMALS.
5618	Marine Life Cultivation Workers	*43–4001	FISHERS AND RELATED FISHING WORKERS.
5619	Nursery Workers	*43–3012	FARMWORKERS AND LABORERS, CROP, NURSERY, AND GREENHOUSE.
562	RELATED AGRICULTURAL OCCUPATIONS:	43–2099	ANIMAL SERVICE WORKERS, ALL OTHER.
5621	Supervisors; Related Agricultural Workers.	39–1002	FIRST-LINE SUPERVISORS/MANAGERS OF LANDSCAPING, LAWN SERVICE, AND GROUNDSKEEPING WORKERS.
		*43–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FARMING, FORESTRY, AND RELATED WORKERS.
5622	Groundskeepers and Gardeners, Except Farm.	39–3001	LANDSCAPING AND GROUNDSKEEPING LABORERS.
		39–3002	PESTICIDE HANDLERS, SPRAYERS, AND APPLICATORS, VEGETATION.
		39–3003	TREE TRIMMERS AND PRUNERS.
5624	Animal Caretakers, Except Farm	43–2001	ANIMAL TRAINERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		*43–2002	VETERINARY ASSISTANTS AND NONFARM ANIMAL CARETAKERS.
5625	Graders and Sorters; Agricultural Products.	43–3002	GRADERS AND SORTERS, AGRICULTURAL PRODUCTS.
5627	Inspectors; Agricultural Products	*43–5999	FARMING, FISHING, AND FORESTRY WORKERS, ALL OTHER.
57 FORESTRY AND LOGGING OCCUPATIONS:			
571	SUPERVISORS; FORESTRY AND LOGGING WORKERS.	*43–1001	FIRST-LINE SUPERVISORS/MANAGERS OF FARMING, FORESTRY, AND RELATED WORKERS.
572	FORESTRY WORKERS, EXCEPT LOGGING.	43–5001	FOREST AND CONSERVATION WORKERS.
573	TIMBER CUTTING AND RELATED OCCUPATIONS.	43–5011	FALLERS.
579	LOGGING OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.	43–5019	LOGGING WORKERS, ALL OTHER.
		*43–5999	FARMING, FISHING, AND FORESTRY WORKERS, ALL OTHER.
58 FISHERS, HUNTERS, AND TRAPPERS:			
583	FISHERS	*43–4001	FISHERS AND RELATED FISHING WORKERS.
584	HUNTERS AND TRAPPERS	43–4002	HUNTERS AND TRAPPERS.
	Mechanics and Repairers.		
60	SUPERVISORS; MECHANICS AND REPAIRERS.	47–1001	FIRST-LINE SUPERVISORS/MANAGERS OF MECHANICS, INSTALLERS, AND REPAIRERS.
61	MECHANICS AND REPAIRERS.		
611	VEHICLE AND MOBILE EQUIPMENT MECHANICS AND REPAIRERS.		
6111	Automobile Mechanics	47–3004	AUTOMOTIVE MECHANICS AND SERVICE TECHNICIANS.
6112	Bus and Truck Engine, and Diesel Engine Mechanics.	47–3006	BUS AND TRUCK MECHANICS AND DIESEL ENGINE SPECIALISTS.
6113	Aircraft Engine Mechanics	*47–3001	AIRCRAFT MECHANICS AND SERVICE TECHNICIANS.
6114	Small Engine Repairers	47–3011	MOTORCYCLE MECHANICS.
		47–3014	SMALL ENGINE REPAIRERS.
6115	Automotive Body and Related Repairers	47–3002	AUTOMOTIVE BODY AND RELATED REPAIRERS.
		47–3003	AUTOMOTIVE GLASS INSTALLERS AND REPAIRERS.
6116	Aircraft Mechanics (Except Engine Specialists).	*47–3001	AIRCRAFT MECHANICS AND SERVICE TECHNICIANS.
6117	Heavy Equipment Mechanics	47–3008	MOBILE HEAVY EQUIPMENT MECHANICS, EXCEPT ENGINES.
		47–3012	RAIL CAR REPAIRERS.
6118	Farm Equipment Mechanics	47–3007	FARM EQUIPMENT MECHANICS.
613	INDUSTRIAL MACHINERY REPAIRERS	47–4008	INDUSTRIAL MACHINERY MECHANICS.
614	MACHINERY MAINTENANCE OCCUPATIONS.	47–4013	MAINTENANCE WORKERS, MACHINERY.
615	ELECTRICAL AND ELECTRONIC EQUIPMENT REPAIRERS.		
6151	Communications Equipment Repairers	47–2002	RADIO MECHANICS.
		*47–2003	TELECOMMUNICATIONS EQUIPMENT INSTALLERS AND REPAIRERS.
		47–4024	SIGNAL AND TRACK SWITCH REPAIRERS.
6152	Electric Motor, Transformer, and Related Repairers.	47–2012	ELECTRIC MOTOR, POWER TOOL, AND RELATED REPAIRERS.
6153	Electrical and Electronic Repairers, Commercial and Industrial Equipment.	47–2014	ELECTRICAL AND ELECTRONICS REPAIRERS, COMMERCIAL AND INDUSTRIAL EQUIPMENT.
		*47–4004	ELECTRICAL POWER-LINE INSTALLERS AND REPAIRERS.
6154	Data Processing Equipment Repairers	*47–2001	COMPUTER, AUTOMATED TELLER, AND OFFICE MACHINE REPAIRERS.
6155	Electronic Repairers, Home-entertainment Equipment.	47–2015	ELECTRONIC HOME ENTERTAINMENT EQUIPMENT REPAIRERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
6156	Household Appliance and Power Tool Repairers.	47–4007	HOME APPLIANCE REPAIRERS.
6157	Telephone Line Installers and Repairers	47–4025	TELECOMMUNICATIONS LINE INSTALLERS AND REPAIRERS.
6158	Telephone Installers and Repairers	*47–2003	TELECOMMUNICATIONS EQUIPMENT INSTALLERS AND REPAIRERS.
6159	Miscellaneous Electrical and Electronic Equipment Repairers.	47–2011	AVIONICS TECHNICIANS.
		47–2013	ELECTRICAL AND ELECTRONICS INSTALLERS AND REPAIRERS, TRANSPORTATION EQUIPMENT.
		*47–4004	ELECTRICAL POWER-LINE INSTALLERS AND REPAIRERS.
616	HEATING, AIR-CONDITIONING, AND REFRIGERATION MECHANICS.	47–4006	HEATING, AIR CONDITIONING, AND REFRIGERATION MECHANICS AND INSTALLERS.
617	MISCELLANEOUS MECHANICS AND REPAIRERS:		
6171	Camera, Watch, and Other Precision Instrument Repairers.	47–4001	CAMERA AND PHOTOGRAPHIC EQUIPMENT REPAIRERS.
		47–4016	MEDICAL EQUIPMENT REPAIRERS.
		47–4021	PRECISION INSTRUMENT REPAIRERS.
		47–4027	WATCH REPAIRERS.
6172	Musical Instrument Repairers and Tuners.	47–4018	MUSICAL INSTRUMENT REPAIRERS AND TUNERS.
6173	Locksmiths and Safe Repairers	47–4011	LOCKSMITHS AND SAFE REPAIRERS.
6174	Office Machine Repairers	*47–2001	COMPUTER, AUTOMATED TELLER, AND OFFICE MACHINE REPAIRERS.
6175	Mechanical Controls and Valve Repairers.	47–4003	CONTROL AND VALVE INSTALLERS AND REPAIRERS.
		47–4015	MECHANICAL DOOR REPAIRERS.
6176	Elevator Installers and Repairers	45–2063	ELEVATOR INSTALLERS AND REPAIRERS.
6177	Riggers	47–4023	RIGGERS.
6178	Millwrights	47–4017	MILLWRIGHTS.
6179	Mechanics and Repairers, Not Elsewhere Classified.	47–3005	BICYCLE REPAIRERS.
		47–3013	RECREATIONAL VEHICLE SERVICE TECHNICIANS.
		47–4002	COIN, VENDING, AND AMUSEMENT MACHINE SERVICERS AND REPAIRERS.
		47–4005	FABRIC MENDERS, EXCEPT GARMENT.
		47–4012	MAINTENANCE AND REPAIR WORKERS, GENERAL.
		47–4014	MANUFACTURED BUILDING AND MOBILE HOME INSTALLERS.
		47–4022	REFRACTORY MATERIALS REPAIRERS, EXCEPT BRICKMASONS.
		47–4026	TIRE REPAIRERS AND CHANGERS.
		47–4999	INSTALLATION, MAINTENANCE, AND REPAIR WORKERS, ALL OTHER.
	Construction and Extractive Occupations.		
63	SUPERVISORS; CONSTRUCTION AND EXTRACTIVE OCCUPATIONS.		
631	SUPERVISORS; CONSTRUCTION		
6311	Supervisors; Overall Construction	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
6312	Supervisors; Brickmasons, Stonemasons, and Hard Tile Setters.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
6313	Supervisors; Carpenters and Related Workers.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
6314	Supervisors; Electricians and Power Transmission Installers.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
6315	Supervisors; Painters, Paperhangers, and Plasterers.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
6316	Supervisors; Plumbers and Pipefitters and Steamfitters.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
6318	Supervisors; Other Construction Trades.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
632	SUPERVISORS; EXTRACTIVE OCCUPATIONS.	*45–1001	FIRST-LINE SUPERVISORS/MANAGERS OF CONSTRUCTION TRADES AND EXTRACTIVE WORKERS.
64 CONSTRUCTION TRADES:			
641	BRICKMASONS, STONEMASONS, AND HARD TILE SETTERS:		
6412	Brickmasons	45–2011	BRICKMASONS AND BLOCKMASONS.
6413	Stonemasons	45–2012	STONEMASONS.
6414	Tile Setters, Hard	45–2072	TILE AND MARBLE SETTERS.
642 CARPENTERS AND RELATED WORKERS:			
6422	Carpenters	45–2021	CARPENTERS.
6424	Drywall Installers	45–2051	DRYWALL AND CEILING TILE INSTALLERS.
		45–2052	TAPERS.
643 ELECTRICIANS AND POWER TRANSMISSION INSTALLERS:			
6432	Electricians	45–2061	ELECTRICIANS.
		45–2062	SECURITY AND FIRE ALARM SYSTEMS INSTALLERS.
6433	Electrical Power Installers and Repairers	*47–4004	ELECTRICAL POWER-LINE INSTALLERS AND REPAIRERS.
644 PAINTERS, PAPERHANGERS, AND PLASTERERS:			
6442	Painters (Construction and Maintenance)	45–2101	PAINTERS, CONSTRUCTION AND MAINTENANCE.
6443	Paperhangers	45–2102	PAPERHANGERS.
6444	Plasterers	45–2121	PLASTERERS AND STUCCO MASONS.
645	PLUMBERS, PIPEFITTERS AND STEAMFITTERS:.	45–2112	PLUMBERS, PIPEFITTERS, AND STEAMFITTERS.
646–7 OTHER CONSTRUCTION TRADES:			
6462	Carpet and Soft Tile Installers	45–2022	CARPET INSTALLERS.
		45–2071	FLOOR LAYERS, EXCEPT CARPET, WOOD, AND HARD TILES.
6463	Concrete and Terrazzo Finishers	45–2031	CONCRETE FINISHERS AND CEMENT MASONS.
		45–2032	TERRAZZO WORKERS AND FINISHERS.
6464	Glaziers	45–2082	GLAZIERS.
6465	Insulation Workers	45–2091	INSULATION WORKERS, FLOOR, CEILING, AND WALL.
		45–2092	INSULATION WORKERS, MECHANICAL.
6466	Paving, Surfacing, and Tamping Equipment Operators.	*45–2041	CONSTRUCTION EQUIPMENT OPERATORS.
6467	Rail and Track Laying Equipment Operators.	45–2122	RAIL-TRACK LAYING AND MAINTENANCE EQUIPMENT OPERATORS.
6468	Roofers	45–2124	ROOFERS.
6472	Sheetmetal Duct Installers	*45–2126	SHEET METAL WORKERS.
6473	Structural Metal Workers	45–2123	REINFORCING IRON AND REBAR WORKERS.
		45–2127	STRUCTURAL IRON AND STEEL WORKERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
6474	Drillers, Earth	45–3021	EARTH DRILLERS, EXCEPT OIL AND GAS.
6475	Air Hammer Operators	*45–2042	CONSTRUCTION LABORERS.
		45–3041	ROCK SPLITTERS, QUARRY.
6476	Pile Driving Operators	*45–2041	CONSTRUCTION EQUIPMENT OPERATORS.
6479	Construction Trades, Not Elsewhere Classified.	45–2064	FENCE ERECTORS.
		45–2081	FLOOR SANDERS AND FINISHERS.
		45–2083	HAZARDOUS MATERIALS REMOVAL WORKERS.
		45–2084	HIGHWAY MAINTENANCE WORKERS.
		45–2111	PIPELAYERS.
		45–2125	SEPTIC TANK SERVICERS AND SEWER PIPE CLEANERS.
		45–2199	CONSTRUCTION TRADES WORKERS, ALL OTHER.
65 EXTRACTIVE OCCUPATIONS:			
652	DRILLERS, OIL WELL	45–3011	DERRICK OPERATORS, OIL AND GAS.
		45–3012	ROTARY DRILL OPERATORS, OIL AND GAS.
653	EXPLOSIVE WORKERS	45–3022	EXPLOSIVES WORKERS, ORDNANCE HANDLING EXPERTS, AND BLASTERS.
654	MINING MACHINE OPERATORS	45–3031	CONTINUOUS MINING MACHINE OPERATORS.
		45–3032	MINE CUTTING AND CHANNELING MACHINE OPERATORS.
		45–3039	MINING MACHINE OPERATORS, ALL OTHER.
		45–3099	EXTRACTIVE WORKERS, EXCEPT HELPERS, ALL OTHER.
656	EXTRACTIVE OCCUPATIONS, NOT ELSEWHERE CLASSIFIED.	45–3013	SERVICE UNIT OPERATORS, OIL, GAS, AND MINING.
		45–3042	ROOF BOLTERS, MINING.
		45–3043	ROUSTABOUTS, OIL AND GAS.
	Precision Production Occupations		
67	SUPERVISORS; PRECISION PRODUCTION OCCUPATIONS.	*49–1001	FIRST-LINE SUPERVISORS/MANAGERS OF PRODUCTION AND OPERATING WORKERS.
68 PRECISION PRODUCTION OCCUPATIONS:			
681–2 PRECISION METAL WORKERS:			
6811	Tool and Die Makers	49–4041	TOOL AND DIE MAKERS.
6812	Precision Assemblers (Metal)	49–2001	AIRCRAFT STRUCTURE, SURFACES, RIGGING, AND SYSTEMS ASSEMBLERS.
		*49–2012	ELECTROMECHANICAL EQUIPMENT ASSEMBLERS.
		*49–2021	ENGINE AND OTHER MACHINE ASSEMBLERS.
		*49–4038	STRUCTURAL METAL FABRICATORS AND FITTERS.
6813	Machinists	49–4012	MACHINISTS.
6814	Boilermakers	45–2001	BOILERMAKERS.
6816	Precision Grinders, Filers, and Tool Sharpeners.	49–4042	TOOL GRINDERS, FILERS, AND SHARPENERS.
6817	Patternmakers and Model Makers (Metal)	*49–4021	MODEL MAKERS, METAL AND PLASTIC.
		*49–4022	PATTERNMAKERS, METAL AND PLASTIC.
6821	Lay-out Workers	49–4011	LAY-OUT WORKERS, METAL AND PLASTIC.
6822	Precision Hand Molders and Shapers (Jewelers).	*49–9017	JEWELERS AND PRECIOUS STONE AND METAL WORKERS.
6823	Engravers	*49–9012	ETCHERS AND ENGRAVERS.
6824	Sheet Metal Workers	*45–2126	SHEET METAL WORKERS.
6829	Miscellaneous Precision Metal Workers	*49–9999	PRODUCTION WORKERS, ALL OTHER.
683 PRECISION WOODWORKERS:			
6831	Patternmakers and Model Makers, Wood	49–7011	MODEL MAKERS, WOOD.
		49–7012	PATTERNMAKERS, WOOD.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
6832	Cabinet Makers and Bench Carpenters	49–7001	CABINETMAKERS AND BENCH CARPENTERS.
6835	Furniture Finishers	49–7002	FURNITURE FINISHERS.
6839	Miscellaneous Precision Woodworkers	49–7099	WOODWORKERS, ALL OTHER.
684 PRECISION PRINTING OCCUPATIONS:			
6841	Precision Typesetters	*49–5005	PREPRESS TECHNICIANS AND WORKERS.
6842	Precision Lithographers and Photoengravers.	*49–5005	PREPRESS TECHNICIANS AND WORKERS.
6844	Bookbinders	49–5002	BOOKBINDERS.
6849	Miscellaneous Precision Printing Occupations.	49–5003	DESKTOP PUBLISHING SPECIALISTS.
		49–5004	JOB PRINTERS.
		*49–5005	PREPRESS TECHNICIANS AND WORKERS.
685 PRECISION TEXTILE, APPAREL AND FURNISHINGS WORKERS:			
6852	Tailors and Dressmakers, Hand	49–6012	TAILORS, DRESSMAKERS, AND CUSTOM SEWERS.
6853	Upholsterers	49–6025	UPHOLSTERERS.
6854	Shoemakers and Leather Workers and Repairers.	49–6006	SHOE AND LEATHER WORKERS AND REPAIRERS.
6855	Precision Laundering, Cleaning, and Dyeing Occupations.	*49–6003	LAUNDRY AND DRY-CLEANING WORKERS.
		*49–6004	PRESSERS, TEXTILE, GARMENT, AND RELATED MATERIALS.
6856	Apparel and Fabric Patternmakers	49–6002	FABRIC AND APPAREL PATTERNMAKERS.
6859	Miscellaneous Precision Apparel and Fabric Workers.	*49–6099	TEXTILE, APPAREL, AND FURNISHINGS WORKERS, ALL OTHER.
686 PRECISION WORKERS; ASSORTED MATERIALS:			
6861	Precision Hand Molders and Shapers (Except Jewelers).	49–4031	MOLDERS, SHAPERS, AND COREMAKERS.
6862	Precision Patternmakers, Lay-out Workers and Cutters.	*49–4021	MODEL MAKERS, METAL AND PLASTIC.
		*49–4022	PATTERNMAKERS, METAL AND PLASTIC.
6863	Detail Design Painters and Decorators	*49–9026	PAINTING, COATING, AND DECORATING WORKERS.
6864	Optical Goods Workers	49–9023	OPHTHALMIC LABORATORY TECHNICIANS.
6865	Dental Laboratory Technicians	49–9011	DENTAL LABORATORY TECHNICIANS.
6866	Gem and Diamond Working Occupations	*49–9017	JEWELERS AND PRECIOUS STONE AND METAL WORKERS.
6867	Precision Electrical and Electronic Equipment Assemblers.	*49–2011	ELECTRICAL AND ELECTRONIC EQUIPMENT ASSEMBLERS.
		*49–2012	ELECTROMECHANICAL EQUIPMENT ASSEMBLER.
6868	Photographic Process Workers	49–9031	PHOTOGRAPHIC PROCESS WORKERS.
6869	Miscellaneous Precision Workers, Not Elsewhere Classified.	49–9018	MEDICAL APPLIANCE TECHNICIANS.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
687 PRECISION FOOD PRODUCTION OCCUPATIONS:			
6871	Butchers and Meat Cutters	49–3011	BUTCHERS AND MEAT CUTTERS.
		49–3013	SLAUGHTERERS AND MEAT PACKERS.
6872	Bakers	49–3001	BAKERS.
6873	Batchmakers (Candymakers, Cheesemakers, Etc.).	49–3022	FOOD BATCHMAKERS.
6879	Miscellaneous Precision Food Workers	*49–9999	PRODUCTION WORKERS, ALL OTHER.
688 PRECISION INSPECTORS, TESTERS, AND RELATED WORKERS:			
6881	Precision Inspectors, Testers, and Graders.	*49–9016	INSPECTORS, TESTERS, SORTERS, SAMPLERS, AND WEIGHERS.
6882	Precision Adjusters and Calibrators	*49–2024	TIMING DEVICE ASSEMBLERS, ADJUSTERS, AND CALIBRATORS.
69	PLANT AND SYSTEM OPERATORS:		

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
691	WATER AND SEWAGE TREATMENT PLANT OPERATORS.	49–8022	WATER AND LIQUID WASTE TREATMENT PLANT AND SYSTEM OPERATORS.
692	GAS PLANT OPERATORS	49–8002	GAS PLANT OPERATORS.
693	POWER PLANT OPERATORS		
6931	Stationary Engineers	*49–8021	STATIONARY ENGINEERS AND BOILER OPERATORS.
6932	Power Plant and Systems Operators, except Stationary Engineers.	49–8011	NUCLEAR POWER REACTOR OPERATORS.
		49–8012	POWER DISTRIBUTORS AND DISPATCHERS
		49–8013	POWER PLANT OPERATORS.
694	CHEMICAL PLANT OPERATORS	49–8001	CHEMICAL PLANT AND SYSTEM OPERATORS.
695	PETROLEUM PLANT OPERATORS	49–8003	PETROLEUM PUMP SYSTEM OPERATORS, REFINERY OPERATORS, AND GAUGERS.
696	MISCELLANEOUS PLANT OR SYSTEM OPERATORS.	49–8099	PLANT AND SYSTEM OPERATORS, ALL OTHER.
	Production Working Occupations		
71	SUPERVISORS; PRODUCTION OCCUPATIONS.	*49–1001	FIRST-LINE SUPERVISORS/MANAGERS OF PRODUCTION AND OPERATING WORKERS.
73–74	MACHINE SETUP OPERATORS:		
731–2	METALWORKING AND PLASTIC WORKING MACHINE SETUP OPERATORS:		
7312	Lathe and Turning Machine Setup Operators.	*49–4008	LATHE AND TURNING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7313	Milling and Planing Machine Setup Operators.	*49–4014	MILLING AND PLANING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7314	Punching and Shearing Machine Setup Operators.	*49–4002	CUTTING, PUNCHING, AND PRESS MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7315	Extruding and Drawing Machine Setup Operators.	*49–4004	EXTRUDING AND DRAWING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7316	Rolling Machine Setup Operators	*49–4037	ROLLING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7317	Press and Brake Machine Setup Operators.	*49–4002	CUTTING, PUNCHING, AND PRESS MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7318	Drilling and Boring Machine Setup Operators.	*49–4003	DRILLING AND BORING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7319	Forging Machine Setup Operators	*49–4005	FORGING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7322	Grinding, Abrading, Buffing, and Polishing Machine Setup Operators.	*49–4006	GRINDING, LAPPING, POLISHING, AND BUFFING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7324	Lapping and Honing Machine Setup Operators.	*49–4006	GRINDING, LAPPING, POLISHING, AND BUFFING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7326	Numerical Control Machine Setup Operators.	49–4001	COMPUTER-CONTROLLED MACHINE TOOL OPERATORS, METAL AND PLASTIC.
7329	Miscellaneous Metalworking and Plastic Working Machine Setup Operators.	49–4033	MULTIPLE MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
		*49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
733 METAL FABRICATING MACHINE SETUP OPERATORS:			
7332	Welding Machine Setup Operators	*49–4052	WELDING, SOLDERING, AND BRAZING MACHINE SETTERS, OPERATORS, AND TENDERS.
7333	Soldering and Brazing Machine Setup Operators.	*49–4052	WELDING, SOLDERING, AND BRAZING MACHINE SETTERS, OPERATORS, AND TENDERS.
7339	Miscellaneous Fabricating Machine Setup Operators.	*49–4038	STRUCTURAL METAL FABRICATORS AND FITTERS.
		*49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.
734 METAL AND PLASTIC PROCESSING MACHINE SETUP OPERATORS:			
7342	Molding and Casting Machine Setup Operators.	*49–4032	MOLDING, COREMAKING, AND CASTING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7343	Plating and Coating Machine Setup Operators.	*49–4035	PLATING AND COATING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7344	Heating Equipment Setup Operators	*49–4007	HEAT TREATING EQUIPMENT SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7349	Miscellaneous Metal and Plastic Processing Machine Setup Operators.	*49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
743 WOODWORKING MACHINE SETUP OPERATORS:			
7431	Lathe and Turning Machine Setup Operators.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7432	Router and Planer Machine Setup Operators.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7433	Sawing Machine Setup Operators	*49–7021	SAWING MACHINE SETTERS, OPERATORS, AND TENDERS, WOOD.
7434	Sanding Machine Setup Operators	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7435	Shaping and Joining Machine Setup Operators.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7439	Miscellaneous Woodworking Machine Setup Operators.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
744 PRINTING MACHINE SETUP OPERATORS:			
7443	Printing Press Setup Operators	*49–5006	PRINTING MACHINE OPERATORS.
7444	Photoengraving and Lithographing Machine Setup Operators.	*49–5005	PREPRESS TECHNICIANS AND WORKERS.
7449	Miscellaneous Printing Machine Setup Operators.	*49–5001	BINDERY WORKERS.
		*49–5006	PRINTING MACHINE OPERATORS.
745 TEXTILE MACHINE SETUP OPERATORS:			
7451	Winding and Twisting Machine Setup Operators.	*49–6024	TEXTILE WINDING, TWISTING, AND DRAWING OUT MACHINE SETTERS, OPERATORS, AND TENDERS.
7452	Knitting and Weaving Machine Setup Operators.	*49–6024	TEXTILE WINDING, TWISTING, AND DRAWING OUT MACHINE SETTERS, OPERATORS, AND TENDERS.
7459	Textile Machine Setup Operators, Not Elsewhere Classified.	*49–6024	TEXTILE WINDING, TWISTING, AND DRAWING OUT MACHINE SETTERS, OPERATORS, AND TENDERS.
		*49–6099	TEXTILE, APPAREL, AND FURNISHINGS WORKERS, ALL OTHER.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
746–7 ASSORTED MATERIALS: MACHINE SETUP OPERATORS:			
7462	Packaging and Filling Machine Setup Operators.	*49–9024	PACKAGING AND FILLING MACHINE OPERATORS AND TENDERS.
7463	Extruding and Forming Machine Setup Operators.	*49–9013	EXTRUDING, FORMING, PRESSING, AND COMPACTING MACHINE SETTERS, OPERATORS, AND TENDERS.
7467	Compressing and Compacting Machine Setup Operators.	*49–9013	EXTRUDING, FORMING, PRESSING, AND COMPACTING MACHINE SETTERS, OPERATORS, AND TENDERS.
7472	Roasting and Baking Machine Setup Operators.	*49–3021	FOOD AND TOBACCO ROASTING, BAKING, AND DRYING MACHINE OPERATORS AND TENDERS.
7474	Folding Machine Setup Operators	*49–9027	PAPER GOODS MACHINE SETTERS, OPERATORS, AND TENDERS.
7476	Still, Clarifying, and Precipitating Machine Setup Operators.	*49–9042	SEPARATING, FILTERING, CLARIFYING, PRECIPITATING, AND STILL MACHINE SETTERS, OPERATORS, AND TENDERS.
7477	Crushing, Grinding and Polishing Machine Setup Operators.	*49–9006	CRUSHING, GRINDING, AND POLISHING MACHINE SETTERS, OPERATORS, AND TENDERS.
7478	Slicing and Cutting Machine Setup Operators.	*49–9008	CUTTING AND SLICING MACHINE SETTERS, OPERATORS, AND TENDERS.
7479	Miscellaneous Machine Setup Operators	29–2008	MOTION PICTURE PROJECTIONISTS.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
75–76 MACHINE OPERATORS AND TENDERS:			
751–2 METALWORKING AND PLASTIC WORKING MACHINE OPERATORS AND TENDERS:			
7512	Lathe and Turning Machine Operators and Tenders.	*49–4008	LATHE AND TURNING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7513	Milling and Planing Machine Operators and Tenders.	*49–4014	MILLING AND PLANING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7514	Punching and Shearing Machine Operators and Tenders.	*49–4002	CUTTING, PUNCHING, AND PRESS MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7515	Extruding and Drawing Machine Operators and Tenders.	*49–4004	EXTRUDING AND DRAWING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7516	Rolling Machine Operators and Tenders	*49–4037	ROLLING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7517	Press and Brake Machine Operators and Tenders.	*49–4002	CUTTING, PUNCHING, AND PRESS MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7518	Drilling and Boring Machine Operators and Tenders.	*49–4003	DRILLING AND BORING MACHINE TOOL SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7519	Forging Machine Operators and Tenders	*49–4005	FORGING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7522	Grinding, Abrading, Buffing and Polishing Machine Operators and Tenders.	*49–9006	CRUSHING, GRINDING, AND POLISHING MACHINE SETTERS, OPERATORS, AND TENDERS.
7529	Miscellaneous Metalworking and Plastic Working Machine Operators and Tenders.	*49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
753 METAL FABRICATING MACHINE OPERATORS AND TENDERS:			
7532	Welding Machine Operators and Tenders	*49–4052	WELDING, SOLDERING, AND BRAZING MACHINE SETTERS, OPERATORS, AND TENDERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
7533	Soldering and Brazing Machine Operators and Tenders.	*49–4052	WELDING, SOLDERING, AND BRAZING MACHINE SETTERS, OPERATORS, AND TENDERS.
7539	Miscellaneous Fabricating Machine Operators and Tenders.	*49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
754 METAL AND PLASTIC PROCESSING MACHINE OPERATORS AND TENDERS:			
7542	Molding and Casting Machine Operators and Tenders.	*49–4032	MOLDING, COREMAKING, AND CASTING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7543	Plating and Coating Machine Operators and Tenders.	*49–4035	PLATING AND COATING MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
7544	Heating Equipment Operators and Tenders.	*49–4007	HEAT TREATING EQUIPMENT SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC.
		49–4013	METAL-REFINING FURNACE OPERATORS AND TENDERS.
7549	Miscellaneous Metal and Plastic Processing Machine Operators and Tenders.	*49–4099	MACHINE SETTERS, OPERATORS, AND TENDERS, METAL AND PLASTIC, ALL OTHER.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
763 WOODWORKING MACHINE OPERATORS AND TENDERS:			
7631	Lathe and Turning Machine Operators and Tenders.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7632	Router and Planer Machine Operators and Tenders.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7633	Sawing Machine Operators and Tenders	*49–7021	SAWING MACHINE SETTERS, OPERATORS, AND TENDERS, WOOD.
7634	Sanding Machine Operators and Tenders	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7635	Shaping and Joining Machine Operators and Tenders.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7636	Nailing and Tacking Machine Operators and Tenders.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
7639	Miscellaneous Woodworking Machine Operators and Tenders.	*49–7022	WOODWORKING MACHINE SETTERS, OPERATORS, AND TENDERS, EXCEPT SAWING.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
764 PRINTING MACHINE OPERATORS AND TENDERS:			
7642	Typesetting and Composing Machine Operators and Tenders.	*49–5005	PREPRESS TECHNICIANS AND WORKERS.
7643	Printing Machine Operators and Tenders	*49–5006	PRINTING MACHINE OPERATORS.
7644	Photoengraving and Lithographing Machine Operators and Tenders.	*49–5005	PREPRESS TECHNICIANS AND WORKERS.
7649	Printing Machine Operators and Tenders, Not Elsewhere Classified.	*49–5001	BINDERY WORKERS.
		*49–5006	PRINTING MACHINE OPERATORS.
765 TEXTILE, APPAREL AND FURNISHINGS MACHINE OPERATORS AND TENDERS:			
7651	Winding and Twisting Machine Operators and Tenders.	*49–6024	TEXTILE WINDING, TWISTING, AND DRAWING OUT MACHINE SETTERS, OPERATORS, AND TENDERS.
7652	Knitting and Weaving Machine Operators and Tenders.	49–6023	TEXTILE KNITTING AND WEAVING MACHINE SETTERS, OPERATORS, AND TENDERS.
7654	Textile Cutting Machine Operators and Tenders.	49–6022	TEXTILE CUTTING MACHINE SETTERS, OPERATORS, AND TENDERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
7655	Textile Sewing Machine Operators and Tenders.	49–6005	SEWING MACHINE OPERATORS.
7656	Shoe Machine Operators and Tenders	49–6007	SHOE MACHINE OPERATORS AND TENDERS.
7657	Pressing Machine Operators	*49–6004	PRESSERS, TEXTILE, GARMENT, AND RELATED MATERIALS.
7658	Laundering and Dry Cleaning Machine Operators and Tenders.	*49–6003	LAUNDRY AND DRY-CLEANING WORKERS.
7659	Miscellaneous Textile Machine Operators and Tenders.	49–6021	TEXTILE BLEACHING AND DYEING MACHINE OPERATORS AND TENDERS.
		*49–6099	TEXTILE, APPAREL, AND FURNISHINGS WORKERS, ALL OTHER.
766–7 MACHINE OPERATORS AND TENDERS; ASSORTED MATERIALS:			
7661	Cementing and Gluing Machine Operators and Tenders.	49–9001	CEMENTING AND GLUING MACHINE OPERATORS AND TENDERS.
7662	Packaging and Filling Machine Operators and Tenders.	*49–9024	PACKAGING AND FILLING MACHINE OPERATORS AND TENDERS.
7663	Extruding and Forming Machine Operators and Tenders.	49–6001	EXTRUDING AND FORMING MACHINE SETTERS, OPERATORS, AND TENDERS, SYNTHETIC AND GLASS FIBERS.
7664	Mixing and Blending Machine Operators and Tenders.	49–9021	MIXING AND BLENDING MACHINE SETTERS, OPERATORS, AND TENDERS.
7665	Cooling and Freezing Equipment Operators and Tenders.	49–9005	COOLING AND FREEZING EQUIPMENT OPERATORS AND TENDERS.
7666	Separating and Filtering Machine Operators and Tenders.	*49–9002	CHEMICAL EQUIPMENT OPERATORS AND TENDERS.
		*49–9042	SEPARATING, FILTERING, CLARIFYING, PRECIPITATING, AND STILL MACHINE SETTERS, OPERATORS, AND TENDERS.
7667	Compressing and Compacting Machine Operators and Tenders.	*49–2022	FIBERGLASS LAMINATORS AND FABRICATORS.
		*49–9013	EXTRUDING, FORMING, PRESSING, AND COMPACTING MACHINE SETTERS, OPERATORS, AND TENDERS.
7668	Boiler Operators and Tenders (Low Pressure).	*49–8021	STATIONARY ENGINEERS AND BOILER OPERATORS.
7669	Coating, Painting, and Spraying Machine Operators and Tenders.	49–9004	COATING, PAINTING, AND SPRAYING MACHINE SETTERS, OPERATORS, AND TENDERS.
		49–9025	PAINTERS, TRANSPORTATION EQUIPMENT.
7671	Photographic Processing Machine Operators.	49–9032	PHOTOGRAPHIC PROCESSING MACHINE OPERATORS.
7672	Roasting and Baking Machine Operators and Tenders.	*49–3021	FOOD AND TOBACCO ROASTING, BAKING, AND DRYING MACHINE OPERATORS AND TENDERS.
7673	Washing, Cleaning and Pickling Equipment Operators and Tenders.	49–9003	CLEANING, WASHING, AND METAL PICKLING EQUIPMENT OPERATORS AND TENDERS.
7674	Folding Machine Operators and Tenders	*49–9027	PAPER GOODS MACHINE SETTERS, OPERATORS, AND TENDERS.
7675	Furnace, Kiln, and Oven Operators and Tenders.	49–9014	FURNACE, KILN, OVEN, DRIER, AND KETTLE OPERATORS AND TENDERS.
7676	Still, Clarifier and Precipitator Operators and Tenders.	*49–9002	CHEMICAL EQUIPMENT OPERATORS AND TENDERS.
		*49–9042	SEPARATING, FILTERING, CLARIFYING, PRECIPITATING, AND STILL MACHINE SETTERS, OPERATORS, AND TENDERS.
7677	Crushing, Grinding and Polishing Machine Operators and Tenders.	*49–9006	CRUSHING, GRINDING, AND POLISHING MACHINE SETTERS, OPERATORS, AND TENDERS.
7678	Slicing and Cutting Machine Operators and Tenders.	*49–9008	CUTTING AND SLICING MACHINE SETTERS, OPERATORS, AND TENDERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
7679	Miscellaneous Machine Operators and Tenders, Not Elsewhere Classified.	49–3023	FOOD COOKING MACHINE OPERATORS AND TENDERS.
		49–9043	TIRE BUILDING MACHINE OPERATORS.
		*49–9999	PRODUCTION WORKERS, ALL OTHER.
77 FABRICATORS, ASSEMBLERS, AND HAND WORKING OCCUPATIONS:			
771 WELDERS AND SOLDERERS:			
7714	Welders And Cutters	*49–4051	WELDERS, CUTTERS, SOLDERERS, AND BRAZERS.
7717	Solderers And Brazers	*49–4051	WELDERS, CUTTERS, SOLDERERS, AND BRAZERS.
772	ASSEMBLERS	49–2002	COIL WINDERS, TAPERS, AND FINISHERS.
		*49–2011	ELECTRICAL AND ELECTRONIC EQUIPMENT ASSEMBLERS.
		*49–2021	ENGINE AND OTHER MACHINE ASSEMBLERS.
		*49–2022	FIBERGLASS LAMINATORS AND FABRICATORS.
		49–2023	TEAM ASSEMBLERS.
		*49–2024	TIMING DEVICE ASSEMBLERS, ADJUSTERS, AND CALIBRATORS.
		49–9041	SEMICONDUCTOR PROCESSORS.
774	FABRICATORS, NOT ELSEWHERE CLASSIFIED.	49–2099	ASSEMBLERS AND FABRICATORS, ALL OTHER.
775 HAND WORKING OCCUPATIONS:			
7752	Hand Sewing Occupations	49–6011	SEWERS, HAND.
7753	Hand Cutting And Trimming Occupations	49–3012	MEAT, POULTRY, AND FISH CUTTERS AND TRIMMERS.
		49–9007	CUTTERS AND TRIMMERS, HAND.
7754	Hand Molding And Casting Occupations	49–4036	POURERS AND CASTERS, METAL.
		49–9022	MOLDERS AND CASTERS, EXCEPT METAL AND PLASTIC.
7755	Hand Forming And Shaping Occupations	*49–9999	PRODUCTION WORKERS, ALL OTHER.
7756	Hand Painting, Coating And Decorating Occupations.	*49–9026	PAINTING, COATING, AND DECORATING WORKERS.
7757	Hand Engraving And Printing Occupations.	*49–9012	ETCHERS AND ENGRAVERS.
7758	Hand Grinding And Polishing Occupations.	49–9015	GRINDING AND POLISHING WORKERS, HAND.
7759	Miscellaneous Hand Working Occupations.	*49–9999	PRODUCTION WORKERS, ALL OTHER.
78	PRODUCTION INSPECTORS, TESTERS, SAMPLERS, AND WEIGHERS:.		
782	PRODUCTION INSPECTORS, CHECKERS AND EXAMINERS.	*49–9016	INSPECTORS, TESTERS, SORTERS, SAMPLERS, AND WEIGHERS.
783	PRODUCTION TESTERS	*49–9016	INSPECTORS, TESTERS, SORTERS, SAMPLERS, AND WEIGHERS.
784	PRODUCTION SAMPLERS AND WEIGHERS.		
785	GRADERS AND SORTERS, EXCEPT AGRICULTURAL.	43–5012	LOG GRADERS AND SCALERS.
787	PRODUCTION EXPEDITERS	*33–7008	PRODUCTION, PLANNING, AND EXPEDITING CLERKS.
	Transportation and Material Moving Occupations.		
81 SUPERVISORS; TRANSPORTATION AND MATERIAL MOVING OCCUPATIONS:			
811 SUPERVISORS; MOTORIZED EQUIPMENT OPERATORS:			
8111	Supervisors; Motor Vehicle Operators	*51–1003	FIRST-LINE SUPERVISORS/MANAGERS OF TRANSPORTATION AND MATERIAL-MOVING MACHINE AND VEHICLE OPERATORS.
8113	Railroad Conductors and Yardmasters	51–4022	RAILROAD CONDUCTORS AND YARDMASTERS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
812	SUPERVISORS; MATERIAL MOVING EQUIPMENT OPERATORS.	*51–1003	FIRST-LINE SUPERVISORS/MANAGERS OF TRANSPORTATION AND MATERIAL-MOVING MACHINE AND VEHICLE OPERATORS.
82 TRANSPORTATION OCCUPATIONS:			
821 MOTOR VEHICLE OPERATORS:			
8212	Truck Drivers, Tractor-trailer	*51–3031	TRUCK DRIVERS, HEAVY AND TRACTOR-TRAILER.
8213	Truck Drivers, Heavy	*51–3031	TRUCK DRIVERS, HEAVY AND TRACTOR-TRAILER.
8214	Truck Drivers, Light (Including Delivery and Route Drivers).	51–3032	TRUCK DRIVERS, LIGHT/DELIVERY SERVICES.
8215	Bus Drivers	51–3011	BUS DRIVERS, TRANSIT AND INTERCITY.
		51–3012	BUS DRIVERS, SCHOOL.
8216	Taxicab Drivers and Chauffeurs	51–3022	TAXI DRIVERS AND CHAUFFEURS.
8218	Driver-Sales Workers	51–3021	DRIVER/SALES WORKERS.
8219	Other Motor Transportation Occupations, Not Elsewhere Classified.	51–3099	MOTOR VEHICLE OPERATORS, ALL OTHER.
		*51–6099	TRANSPORTATION WORKERS, ALL OTHER.
		*51–7099	MATERIAL-MOVING WORKERS, ALL OTHER.
823 RAIL TRANSPORTATION OCCUPATIONS:			
8232	Locomotive Operating Occupations	51–4011	LOCOMOTIVE ENGINEERS.
		51–4012	LOCOMOTIVE FIRERS.
		51–4013	RAIL YARD ENGINEERS, DINKEY OPERATORS, AND HOSTLERS.
		51–4023	SUBWAY AND STREETCAR OPERATORS.
8233	Railroad Brake, Signal, and Switch Operators.	51–4021	RAILROAD BRAKE, SIGNAL, AND SWITCH OPERATORS.
8239	Rail Vehicle Operators, Not Elsewhere Classified.	51–4099	RAIL TRANSPORTATION WORKERS, ALL OTHER.
		*51–6099	TRANSPORTATION WORKERS, ALL OTHER.
824 WATER TRANSPORTATION OCCUPATIONS:			
8241	Ship Captains and Mates	*51–5011	CAPTAINS, MATES, AND PILOTS OF WATER VESSELS.
8242	Boat and Barge Operators	*51–1003	FIRST-LINE SUPERVISORS/MANAGERS OF TRANSPORTATION AND MATERIAL-MOVING MACHINE AND VEHICLE OPERATORS.
		*51–5011	CAPTAINS, MATES, AND PILOTS OF WATER VESSELS.
		51–5012	MOTORBOAT OPERATORS.
8243	Sailors and Deckhands	51–5002	SAILORS AND MARINE OILERS.
8244	Marine Engineers	51–5021	SHIP ENGINEERS.
8245	Bridge, Lock, and Lighthouse Tenders	51–5001	BRIDGE AND LOCK TENDERS.
825	AIRPLANE PILOTS AND NAVIGATORS	51–2011	AIRLINE PILOTS, COPILOTS, AND FLIGHT ENGINEERS.
		51–2012	COMMERCIAL PILOTS.
828	TRANSPORTATION INSPECTORS	51–6005	TRANSPORTATION INSPECTORS.
83 MATERIAL MOVING OCCUPATIONS, EXCEPT TRANSPORTATION:			
831	MATERIAL MOVING EQUIPMENT OPERATORS:		
8312	Operating Engineers	*45–2041	CONSTRUCTION EQUIPMENT OPERATORS.
8313	Longshore Equipment Operators	*51–7099	MATERIAL-MOVING WORKERS, ALL OTHER.
8314	Hoist and Winch Operators	*51–7021	HOIST AND WINCH OPERATORS.
8315	Crane and Tower Operators	51–7002	CRANE AND TOWER OPERATORS.
8316	Excavating and Loading Machine Operators.	51–7011	DREDGE OPERATORS.
		51–7012	EXCAVATING AND LOADING MACHINE AND DRAGLINE OPERATORS.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
		51–7013	LOADING MACHINE OPERATORS, UNDERGROUND MINING.
8317	Grader, Dozer, and Scraper Operators	*45–2041	CONSTRUCTION EQUIPMENT OPERATORS.
8318	Industrial Truck and Tractor Equipment Operators.	51–7022	INDUSTRIAL TRUCK AND TRACTOR OPERATORS.
8319	Miscellaneous Material Moving Equipment Operators.	*51–7001	CONVEYOR OPERATORS AND TENDERS.
		*51–7021	HOIST AND WINCH OPERATORS.
		51–7031	GAS COMPRESSOR AND GAS PUMPING STATION OPERATORS.
		51–7032	PUMP OPERATORS, EXCEPT WELLHEAD PUMPERS.
		51–7033	WELLHEAD PUMPERS.
		51–7042	SHUTTLE CAR OPERATORS.
		51–7043	TANK CAR AND TRUCK LOADERS.
		*51–7099	MATERIAL-MOVING WORKERS, ALL OTHER.
	Handlers, Equipment Cleaners, Helpers and Laborers		
85	SUPERVISORS; HANDLERS, EQUIPMENT CLEANERS, HELPERS, AND LABORERS.	51–1002	FIRST-LINE SUPERVISORS/MANAGERS OF HELPERS, LABORERS, AND MATERIAL MOVERS, HAND.
86 HELPERS:			
861	HELPERS; MACHINE OPERATORS AND TENDERS:		
8611	Helpers; Metalworking and Plastic Working Machine Operators and Tenders.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
8614	Helpers; Metal and Plastic Processing Machine Operators and Tenders.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
8615	Helpers; Woodworking Machine Operators and Tenders.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
8616	Helpers; Printing Machine Operators and Tenders.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
8617	Helpers; Textile, Apparel and Furnishings Machine Operators and Tenders.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
8618	Helpers; Machine Operators and Tenders, Assorted Materials.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
8619	Helpers; Precision Production Occupations and Setup Operators.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
862	HELPERS; FABRICATORS AND INSPECTORS.	*49–9044	HELPERS—PRODUCTION OCCUPATIONS.
863 HELPERS; MECHANICS AND REPAIRERS:			
8632	Helpers; Vehicle and Mobile Equipment Mechanics and Repairers.	*47–4028	HELPERS—INSTALLATION, MAINTENANCE, AND REPAIR WORKERS.
8633	Helpers; Industrial Machinery Repairers ..	*47–4028	HELPERS—INSTALLATION, MAINTENANCE, AND REPAIR WORKERS.
8635	Helpers; Electrical and Electronic Equipment Repairers.	*47–4028	HELPERS—INSTALLATION, MAINTENANCE, AND REPAIR WORKERS.
8637	Helpers; Miscellaneous Mechanics and Repairers.	*47–4028	HELPERS—INSTALLATION, MAINTENANCE, AND REPAIR WORKERS.
864 HELPERS; CONSTRUCTION TRADES:			
8641	Helpers; Brickmasons, Stonemasons, and Hard Tile Setters.	45–2131	HELPERS—BRICKMASONS, BLOCKMASONS, STONEMASONS, AND TILE AND MARBLE SETTERS.
8642	Helpers; Carpenters and Related Workers.	45–2132	HELPERS—CARPENTERS.
8643	Helpers; Electricians and Power Transmission Installers.	45–2133	HELPERS—ELECTRICIANS.
8644	Helpers; Painters, Paperhangers, and Plasterers.	45–2134	HELPERS—PAINTERS, PAPERHANGERS, PLASTERERS, AND STUCCO MASONS.
8645	Helpers; Plumbers, Pipefitters and Steamfitters.	45–2135	HELPERS—PIPELAYERS, PLUMBERS, PIPEFITTERS, AND STEAMFITTERS.
8646	Helpers; Surveyor's	*45–2139	HELPERS—CONSTRUCTION TRADES WORKERS, ALL OTHER.
8648	Helpers; Other Construction Trades	45–2136	HELPERS—ROOFERS
		*45–2139	HELPERS—CONSTRUCTION TRADES WORKERS, ALL OTHER.

TABLE 2.—1987 SOC MATCHED TO PROPOSED 1997 SOC—Continued

1980 SOC	Title	1997 SOC	Title
865	HELPERS; EXTRACTIVE OCCUPATIONS.	45–3044	HELPERS—EXTRACTIVE WORKERS.
87 HANDLERS, EQUIPMENT CLEANERS AND LABORERS:			
871	CONSTRUCTION LABORERS	*45–2042	CONSTRUCTION LABORERS.
872 FREIGHT, STOCK, AND MATERIAL MOVERS; HAND:			
8722	Garbage Collectors	51–7041	REFUSE AND RECYCLABLE MATERIAL COLLECTORS.
8723	Stevedores	*51–7044	LABORERS AND FREIGHT, STOCK, AND MATERIAL MOVERS, HAND.
8724	Stock Handlers and Baggers	*51–7044	LABORERS AND FREIGHT, STOCK, AND MATERIAL MOVERS, HAND
8725	Machine Feeders and Offbearers	51–7023	MACHINE FEEDERS AND OFFBEARERS.
8726	Freight, Stock, and Material Movers, Not Elsewhere Classified.	*51–7001	CONVEYOR OPERATORS AND TENDERS
873	GARAGE AND SERVICE STATION RELATED OCCUPATIONS.	51–6003	SERVICE STATION ATTENDANTS.
874	PARKING LOT ATTENDANTS	51–6002	PARKING LOT ATTENDANTS.
875	VEHICLE WASHERS AND EQUIPMENT CLEANERS.	51–6001	CLEANERS OF VEHICLES AND EQUIPMENT.
876 MISCELLANEOUS MANUAL OCCUPATIONS:			
8761	Hand Packers and Packagers	51–7024	PACKERS AND PACKAGERS, HAND.
8769	Manual Occupations, Not Elsewhere Classified.	*51–7044	LABORERS AND FREIGHT, STOCK, AND MATERIAL MOVERS, HAND.
	Military Occupations		
91	MILITARY OCCUPATIONS	53–1001	AIR CREW OFFICERS.
		53–1002	AIRCRAFT LAUNCH AND RECOVERY OFFICERS.
		53–1003	ARMORED ASSAULT VEHICLE OFFICERS.
		53–1004	ARTILLERY AND MISSILE OFFICERS.
		53–1005	COMMAND AND CONTROL CENTER OFFICERS.
		53–1006	INFANTRY OFFICERS.
		53–1007	SPECIAL FORCES OFFICERS.
		53–1099	MILITARY OFFICER SPECIAL AND TACTICAL OPERATIONS LEADERS/MANAGERS, ALL OTHER.
		53–2001	FIRST-LINE SUPERVISORS/MANAGERS OF AIR CREW MEMBERS.
		53–2002	FIRST-LINE SUPERVISORS/MANAGERS OF WEAPONS SPECIALISTS/CREW MEMBERS.
		53–2003	FIRST-LINE SUPERVISORS/MANAGERS OF ALL OTHER TACTICAL OPERATIONS SPECIALISTS.
		53–3001	AIR CREW MEMBERS.
		53–3002	AIRCRAFT LAUNCH AND RECOVERY SPECIALISTS.
		53–3003	ARMORED ASSAULT VEHICLE CREW MEMBERS.
		53–3004	ARTILLERY AND MISSILE CREW MEMBERS.
		53–3005	COMMAND AND CONTROL CENTER SPECIALISTS.
		53–3006	INFANTRY.
		53–3007	RADAR AND SONAR TECHNICIANS.
		53–3008	SPECIAL FORCES.
		53–3099	MILITARY ENLISTED TACTICAL OPERATIONS AND AIR/WEAPONS SPECIALISTS AND CREW MEMBERS, ALL OTHER.
	Miscellaneous Occupations		
99	MISCELLANEOUS OCCUPATIONS.		

AAA*1997 SOC occupations marked with an * link to more than one 1980 SOC occupation.

V. Next Steps In Process

After analyzing comments generated by this **Federal Register** notice, the SOCRPC will prepare its final recommendations to OMB for publication in the **Federal Register**. After considering public comment on that notice, OMB plans to publish its final decisions for the 1997 SOC in the **Federal Register** by the end of 1997.

The SOCRPC also will begin preparing the 1997 Standard Occupational Classification Manual for publication. Committee members will be completing definitions, assigning associated titles, and developing cross lists to existing systems.

The SOCRPC is planning a process for ensuring that the implementation of the 1997 SOC is comparable across Federal agencies, including regularly scheduled interagency communication to ensure that there is a smooth Federal transition to the 1997 SOC. In addition, the SOCRPC plans to periodically review and update the occupations included in the SOC to ensure that new occupations are promptly recognized and consistently classified across Federal agencies. The next major review and revision of the SOC is planned to begin in 2005 in preparation for use in the 2010 Decennial Census.

VI. Respondents To The October 5, 1995, Federal Register Notice

Alabama Department of Economic and Community Affairs
American Academy of Audiology
American Association for Marriage and Family Therapists
American Association for Medical Transcription
American Dental Hygienists Association
American Library Association
American Medical Association
American Nurses Association
American Physical Therapy Association
American Society of Alternative Therapists
American Speech-Language-Hearing Association
American Translators Association
Associated General Contractors of America
Bureau of Health Professions
Congressman Tim Roemer
Consumer Electronic Manufacturers Association
Florida Department of Labor and Employment Security
Georgia Department of Labor
Guild of Professional Tour Guides of Washington, D.C.
Health Care Financing Administration
Illinois Department of Employment Security
Illinois Occupational Information Coordinating Committee
Innovative Logistics Techniques
International Association of Fire Chiefs
International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers
Interstate Conference of Employment Security Agencies, Inc.
Legal Assistant Program of Inver Hills Community College
Logistics Management Institute
Minnesota Department of Economic Security
Missouri Department of Economic Development
National Association of Industrial Technology
National Association of School Psychologists
National Association of Social Workers
National Association of Tour Professionals
National Athletic Trainers' Association
National Court Reporters Association
Nebraska Department of Labor
New Jersey Department of Labor
Office of Personnel Management
Ohio Bureau of Employment Services
Oregon Employment Department
Pennsylvania Department of Labor and Industry
Pinellas Technical Education Centers
Recreational Vehicle Industry Association
Social Security Administration
Society for Public Health Education, Inc.
Society of Logistics Engineers
Special Libraries Association
Texas Employment Commission
United Motorcoach Association
Vermont Department of Employment and Training
Vertek
Wyoming Department of Employment

Sally Katzen,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 97–17425 Filed 7–3–97; 8:45 am]

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Federal Register

Monday
July 7, 1997

Part III

Department of Housing and Urban Development

Notice of Funding Availability (NOFA) and Program Guidelines for Homeownership Zones; Fiscal Year 1997; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4238–N–01]

Notice of Funding Availability (NOFA) and Program Guidelines for Homeownership Zones; Fiscal Year 1997

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Funding Availability (NOFA) and Program Guidelines.

SUMMARY: This NOFA announces the availability of $10 million in funding for Homeownership Zones authorized under section 205 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997. The Homeownership Zones program is dedicated to large scale development projects designed to reclaim distressed neighborhoods by creating homeownership opportunities for low- and moderate-income families, and to serve as a catalyst for private investment, business creation, and neighborhood revitalization. This NOFA also contains information concerning basic program requirements, eligible applicants, funding availability, and application requirements and procedures.

DATES: One original and two copies of each application must be received by HUD Headquarters at the address provided below by the deadline date. One additional copy must be received by the HUD Field Office by the deadline date. All four copies may be used in reviewing the application.

Applications Delivered. Applications are due before midnight on August 29, 1997. Before the deadline date, and on normal workdays between the hours of 8:30 a.m. and 4:30 p.m., completed applications will be accepted at the Processing and Control Unit, Room 7255, Community Planning and Development at the address provided below.

After 4:30 p.m. on the deadline date, hand-delivered applications will be received at the South Lobby of the Department of Housing and Urban Development at the address provided below. HUD will treat as ineligible for consideration hand-delivered applications that are received after midnight on August 29, 1997.

Applications Mailed. HUD will consider applications as received by the deadline if they are postmarked before midnight on August 29, 1997, and received by HUD Headquarters within ten (10) calendar days after that date.

Applications Sent by Overnight Delivery. HUD will consider applications sent by overnight delivery as having been received by the deadline upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than *August 29, 1997.*

Applications Sent by Facsimile (FAX). HUD will NOT accept any application sent by FAX.

Applications Sent to HUD Field Offices. One copy of the application must be received by the HUD field office serving the area in which the applicant's Homeownership Zone is located. The field office must receive this copy by the deadline date, but a determination that an application was received on time will be made solely according to the receipt of the application at HUD Headquarters in Washington.

ADDRESSES: Please note that one (1) original and two (2) copies of the completed application must be submitted to HUD Headquarters at the following address: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410. One (1) additional copy of the application must be sent to the Director of Community Planning and Development, at the HUD field office serving the State in which the Homeownership Zone is located. Addresses of HUD's field offices are attached to this NOFA as Appendix A.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon McKay, Director, Office of Affordable Housing Programs, Room 7164, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410; telephone (202) 708–2685 (this is not a toll free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the Federal Information Relay Service at (800) 877–TDDY, which is a toll free number. You may also contact the HUD field office serving your area at the number and address provided in Appendix A.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2506–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Promoting Comprehensive Approaches to Housing and Community Development

HUD is interested in promoting comprehensive, coordinated approaches to housing and community development. Economic development, community development, public housing revitalization, homeownership, assisted housing for special needs populations, supportive services, and welfare-to-work initiatives can work better if linked at the local level. Toward this end, HUD in recent years has developed the Consolidated Planning process designed to help communities undertake such approaches.

It may therefore be helpful for applicants under this NOFA to be aware of other related NOFAs that HUD has recently published. By reviewing these NOFAs with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to those proposed under recent NOFAs and to the community's Consolidated Plan. With respect to homeownership, HUD published the fiscal year (FY) 1997 NOFA for Housing Counseling in the **Federal Register** on May 1, 1997 (62 FR 23916).

To foster comprehensive, coordinated approaches by communities, HUD intends for the remainder of FY 1997 to continue to alert applicants to upcoming and recent NOFAs as each NOFA is published. In addition, a complete schedule of NOFAs to be published during this fiscal year appears under the HUD homepage on the Internet, which can be accessed at http://www.hud.gov/nofas.html. HUD may consider additional steps on NOFA coordination for FY 1998.

I. Purpose and Substantive Description

A. Authority

The funding made available under this NOFA is authorized by section 205 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104–204; approved September 26, 1996).

B. Allocation of Funding

HUD intends to award $10 million. All grants made under this NOFA shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) on a competitive basis

according to the criteria set forth in this NOFA. Although HUD has not established a maximum or minimum grant amount, HUD estimates that it will fund two (2) to four (4) Homeownership Zones.

C. Eligible Applicants

Any unit of general local government as defined in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)) may apply under this NOFA. This includes any city, county, town, township, parish, village, or other general purpose political subdivision of a State. Smaller communities that are not entitled to receive Community Development Block Grant funds may apply directly without assistance of the State. Due to the limited amount of funds available, however, grantees that received FY 1996 Homeownership Zone grants are not eligible to apply under this FY 1997 NOFA.

D. Definition of a Homeownership Zone

Homeownership Zone means a contiguous, geographically defined area, primarily residential in character, in which new homeownership opportunities and the expanded housing choice provided drive comprehensive revitalization and, together with other physical, social, and economic development activities, make a substantial, visible improvement within that community. Homeownership Zone activities revitalize distressed areas by converting vacant, abandoned, or blighted land and buildings into dynamic neighborhoods by developing single family homes (one to four units) and providing these homes for a mix of incomes, including low- and moderate-income families. Homeownership serves as a foundation for additional investment in residential, commercial, and economic development of the Homeownership Zone. Homeownership Zones do not stand alone, but as a vibrant part of the jurisdiction as a whole.

Homeownership Zones may be located within Empowerment Zones, Enterprise Communities (EZ/ECs), or CDBG Neighborhood Revitalization Strategy Areas. Homeownership Zones, however, are typically significantly smaller than EZ/ECs.

E. Characteristics of a Successful Homeownership Zone

(1) Visible Improvement

A Homeownership Zone proposal must provide for a significant number of new homeownership opportunities that will make a visible improvement in a concentrated area and stimulate additional investments in that area. For major urban areas, HUD will presume that applications including at least 300 new single family homes meet this criterion. HUD realizes it is not always feasible, nor necessary, for smaller communities to absorb 300 new homeownership opportunities in a short time frame. All applications must demonstrate how the Homeownership Zone activities will make a visible improvement and stimulate additional investments in the designated zone. Include evidence regarding the impact Homeownership Zone activities will have on the community in the section of the application responding to the rating criterion ''Quality of the Homeownership Zone.''

(2) New Urbanism

Homeownership Zones incorporate basic principles of New Urbanism. Neighborhoods designed according to these principles typically have a finite size, defined by a comfortable walking distance from their center, and include: a mix of incomes, ages and lifestyles; a mix of compatible uses such as housing, shops, workplaces, parks, and civic and cultural institutions; a mix of housing types; buildings with architectural variety yet compatible with surrounding structures, historic buildings, and cultural nature of the area; a public gathering space at the center such as a square or green; public buildings such as a library, community center, or day care center; a transit connection providing easy access to centers of employment and to the surrounding communities; edges defined by boulevards, greenbelts, or other features; and a network of pedestrian-friendly streets, alleys, and blocks that encourage connection with adjacent neighborhoods. Homeownership Zones are distinctive neighborhoods that are interconnected to surrounding neighborhoods and the larger community. In awarding points to each application under ''Quality of Homeownership Zone,'' HUD will consider all aspects of New Urbanism that are relevant to the proposal. HUD will be particularly concerned that the plan include a mix of incomes and uses appropriate to the proposal and the targeted area. Include this information in the section of the application responding to the rating criterion ''Quality of the Homeownership Zone.''

(3) Additional Investment

HUD intends for Homeownership Zone grants to serve as a challenge and incentive to other public, private, and nonprofit partners to participate in development of the Homeownership Zone. Thus, it is expected that applicants will consider donating land, committing to construct site improvements and public facilities, waiving fees and taxes, expediting approval of permits and plans, among other things, and otherwise remove impediments to the revitalization of the Homeownership Zone. List resources and present evidence of the strength of resource commitments in the section of the application responding to the rating criterion ''Leveraging of Non-Federal Resources.''

(4) Partnerships and Initiatives

The Homeownership Zone program complements the Administration's National Homeownership Strategy launched by the President in 1994. This Strategy is a partnership with private industry, the nonprofit community, and all levels of government toward the goal of raising the homeownership rate in America to an all-time high by the year 2000. It recognizes homeownership as a means to strengthen families, rebuild communities, and improve the national economy. Consistent with the National Homeownership Strategy, HUD expects that Homeownership Zones will establish extensive partnerships with the private and nonprofit sectors, such as businesses, lending institutions, real estate professionals, builders, educational institutions, nonprofit organizations, faith-based organizations, and other city wide and community-based organizations. Affiliates of Habitat for Humanity are one example of potential partners. HUD encourages all applicants to develop local partnerships recognized by the National Partners in Homeownership. In addition, and if applicable, indicate how local processes and building, planning, and zoning regulations would be reformed or streamlined to result in prompt, cost-effective construction. It is also anticipated that developers and local governments will use, to the greatest extent possible, innovations in construction techniques and land use planning that can reduce the cost of housing construction. Include descriptions of such initiatives in the section of the application responding to the rating criterion ''Quality of the Homeownership Zone,'' and describe local partnerships in the section of the application responding to the rating criterion ''Capacity to Successfully Carry Out the Plan.'' HUD will give special consideration to qualified Local Partners in the National Homeownership Strategy when awarding points under Capacity to Successfully Carry Out the Plan as

discussed below. (Information regarding the National Partners in Homeownership may be obtained by contacting (800) 297–4183).

(5) Comprehensive Neighborhood Revitalization

HUD expects Homeownership Zones to provide substantial homeownership opportunities as part of a comprehensive approach and overall revitalization of the neighborhood. The result of a Homeownership Zone should be expanded housing choice and the improvement of the economic, social, and physical aspects of the neighborhood and the lives of its residents. Consequently, economic development, business development, and job creation are vital components of a successful strategy. Include evidence that Homeownership Zone activities will be part of comprehensive neighborhood revitalization, including a description of economic development efforts, in the section of the application responding to the rating criterion ''Quality of Homeownership Zone.''

(6) Rapid Turnaround

HUD intends for Homeownership Zones to be large scale construction projects developed in a relatively short time period. Applications must demonstrate an ability to begin significant construction activities promptly upon final approval of the Homeownership Zone plan by HUD. Therefore, it is in the applicant's interest to design, plan, and coordinate as many aspects of the project as possible prior to submission of an application for funding under this NOFA. Applicants must include a detailed time-line, specifying when all construction activities will commence and conclude, in the section of the application responding to the rating criterion ''Quality of the Homeownership Zone.''

(7) Affirmatively Furthering Fair Housing

The Homeownership Zone proposal must address how the applicant will affirmatively further fair housing (AFFH). The applicant can best demonstrate its commitment to AFFH by describing how proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice, identified in the jurisdiction's AI (Analysis of Impediments), which is a required component of the Consolidated Plan, or any other planning document that addresses fair housing issues. Examples of actions that can be taken may include, but are not limited to: neighborhood revitalization efforts that encourage fair housing choice (such as schools, grocery stores, transportation, and the quality of services); increasing the supply of accessible housing available to low-income persons with disabilities; insuring accessibility for persons with disabilities to all aspects of the program; and working with local lenders to develop alternative lending criteria. Additional examples may be obtained from Chapter 5 of the ''Fair Housing Planning Guide, Vol 1'' which may be ordered from HUD's Fair Housing Clearinghouse, by calling (800) 343–3442. Include this information in the section of the application responding to the rating criterion ''Quality of the Homeownership Zone.''

F. Eligible Activities

Homeownership Zone grant funds may be used to:

(1) Finance and acquire improved or unimproved real property, including the writedown of costs to developers for acquisition of properties within the Homeownership Zone.

(2) Finance housing construction.

(3) Finance housing rehabilitation.

(4) Finance site preparation, including demolition, construction, reconstruction, or installation of public and other site improvements, utilities, or facilities essential to the Homeownership Zone.

(5) Provide direct financial assistance to homebuyers in the form of mortgages or settlement costs.

(6) Provide homeownership counseling and homebuyer education to targeted recipients of Homeownership Zone assistance.

(7) Provide relocation assistance to persons and businesses displaced by Homeownership Zone activities.

(8) Provide information to community residents about homeownership opportunities and to market the units, including activities to affirmatively further fair housing.

(9) Provide project-related soft costs eligible under 24 CFR 92.206(d) (of the HOME program regulations).

(10) Provide (up to five (5) percent of Homeownership Zone grant funds) for those reasonable administrative costs pertaining to Homeownership Zone activities eligible under 24 CFR 92.207(a)(1)(2)(3)(4) and 92.207(d) (of the HOME program regulations).

(11) Finance other housing-related activities found by the applicant to be essential to the success of the Homeownership Zone as approved by the Secretary.

G. Income Targeting

At least 51 percent of the homebuyers assisted with Homeownership Zone funds must not have household incomes exceeding 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

H. Section 108 Loan Guarantees and Other Funding Sources

Homeownership Zone grants must leverage additional public and private resources, and may be used in conjunction with funding from other HUD programs, provided the project meets all applicable laws and regulations of each program.

Applicants are not required to submit an application for a Section 108 loan guarantee in conjunction with the Homeownership Zone application, but may do so if they choose. Section 108 funds may, however, help an applicant diversify or expand Homeownership Zone activities. A Section 108 loan guarantee may improve the feasibility of the project by providing for commercial or economic development activities, or by providing public improvements necessary to a thriving community.

If an applicant plans to use Section 108 funds to fund essential Homeownership Zone activities, the applicant must include either a description of a Section 108 application to be submitted to HUD no more than 60 days after announcement of Homeownership Zone funding, or a complete Section 108 guaranteed loan application with a separate Standard Form 424 in an Appendix to the Homeownership Zone application. At a minimum, a description of a Section 108 loan guarantee to be used in conjunction with a Homeownership Zone project must specify how Section 108 funds would be used, how the loan would be repaid, and how activities funded with Section 108 funds are related to the Homeownership Zone. Application requirements for the Section 108 program are found at 24 CFR 570.704 or may be obtained from an appropriate HUD field office.

I. Application Format

An application for Homeownership Zone funding must adhere to this NOFA in its entirety, and be submitted in accordance with the following outline. If an applicant wishes to seek funding for more than one Homeownership Zone, it must submit a separate, complete application for each. The following are to be included in the application:

(1) Standard Form [SF] 424, Application for Federal Assistance.

(2) A Table of Contents.

(3) An Executive Summary of not more than 3 typed pages, which

includes the total cost of the project; the amount and uses of Homeownership Zone funds requested; the number of new or rehabilitated homes and total homeownership opportunities; a summary of the major components of the proposal; a description of the zone including its size and geographical boundaries; and a vision statement regarding the goals the applicant has for the Homeownership Zone, and the impact the Homeownership Zone will have on the goals for the larger jurisdiction.

(4) A concise narrative section of preferably not more than 30 typewritten pages, divided into subsections, each of which responds to one of the rating criteria listed below (Section J(1) through J(5)), and includes all information requested under each criterion.

(5) A map of the zone showing its location within the larger jurisdiction.

(6) The certification regarding lobbying required under 24 CFR part 87 (attached to this NOFA as Appendix B).

(7) Appendices containing all relevant supporting materials, including a description of, or a completed application for, a Section 108 loan guarantee (if applicable).

J. Criteria for Rating Applications

All applications will be considered for selection based on the following criteria. Pay close attention to the specific requirements contained in this section since to the extent your application is responsive to them, its competitiveness and likelihood of funding will increase.

(1) Quality of the Homeownership Zone

HUD will award up to 55 points based on the degree to which the proposed activities will result in the improvement of the economic, social, and physical aspects of the neighborhood and the lives of its residents through the creation of new homeownership opportunities, consistent with the characteristics of a Homeownership Zone described above. (HUD will award up to 12 points of the 55 points available based on the extent to which Homeownership Zone activities address affirmatively furthering fair housing.) In addressing this criterion:

(a) Demonstrate how the proposed activities will cause a visible improvement and economic transformation of the Homeownership Zone.

(b) Demonstrate how the principles of the New Urbanism described above have been incorporated into the Homeownership Zone design to create a sense of neighborhood and community, and to meet the needs of residents. The following are required: Conceptual site plans, and illustrative building elevations and unit layouts. The applicant may also include maps, street scape renderings, and other visual aids. (The Office of Community Planning and Development's Consolidated Plan computer software is available for applicants to use in defining their zone area, planning and coordinating revitalization activities, and illustrating how zone activities will produce visible change.)

(c) Provide a detailed project time-line with interim benchmarks by which project progress can be measured, including specific starting and completion dates for construction activities and all other major activities associated with the Homeownership Zone.

(d) Provide a marketing plan for the project stating how potential homebuyers will be informed of the availability of new or rehabilitated housing units, together with the criteria for selection of homebuyers. This plan must be designed to attract buyers of all majority and minority groups regardless of sex, disability, and familial status (families with children) to dwellings that are being marketed by the applicant. All applicants must include in their plan activities and specific steps to identify and inform potential buyers and solicit applications from eligible families who are least likely to apply for the housing without special outreach because of such factors as neighborhood customs, price, institutionalized discrimination in the housing market and other factors that have the effect of denying fair housing choice. (This marketing plan should not be confused with the Affirmative Fair Housing Marketing Plan required by 24 CFR part 200, subpart M for subsidized and unsubsidized housing programs.) See 24 CFR 92.351 of the HOME program regulations for a more detailed description of ''affirmative marketing.''

(e) Provide a homeowner counseling plan or summary of the plan that describes the nature and extent of the housing education and counseling as well as postpurchase assistance provided to homebuyers.

(f) Attach evidence demonstrating community involvement in the planning of Homeownership Zone activities and public support for the plan.

(g) Where appropriate, describe how local processes and building, planning, and zoning regulations have been or will be reformed or streamlined, and describe innovations in construction techniques and land use planning that can reduce the cost of housing construction.

(h) To the extent that any of the environmental thresholds identified in Section L of this NOFA are triggered by Homeownership Zone activities, describe the mitigating measures to be undertaken.

Note: No portion of a Homeownership Zone may be located within a designated coastal barrier resource, and, for the construction or rehabilitation of a building or for acquisition of any real property, compliance with Federal flood insurance rules is required.

(i) Court-ordered Consideration: Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application by the City of Dallas, Texas, for HUD funds, HUD shall consider the extent to which the Homeownership Zone strategy for the Dallas area will be used to eradicate the vestiges of segregation in the Dallas Housing Authority's low-income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low-income housing programs have on potential participants in the Homeownership Zone program and identify proposed actions for remedying those vestiges. HUD may add up to 2 points to the application score based on this consideration.

For additional background information that may be helpful in addressing this criterion, please see Section E of this NOFA (Characteristics of a Successful Homeownership Zone). For information on the environmental review process and requirements affecting this criterion, please see Section L.

(2) Distress

HUD will award up to 10 points based on the level of distress in the immediate community/neighborhood to be served by the project. An applicant may choose to use a table in its response to this criterion. HUD will add 2 points to the application score when the Homeownership Zone is located entirely within a Federally-designated Enterprise Zone or Empowerment Community.

(a) Up to 5 points out of the 10 available for this criterion will be awarded on the basis of the rate of poverty in the designated Homeownership Zone. Applicants must give the rate of poverty in the Homeownership Zone and provide the source of this information (Example: 1990 U.S. Census). HUD will rank the poverty rates of all proposed Homeownership Zones, and those with

the highest rate of poverty will receive the highest relative scores under this criterion. If the applicant does not provide the poverty rate for the Homeownership Zone, HUD will use the 1990 Census poverty rate for the entire jurisdiction in scoring this element. (Since the poverty rate for the jurisdiction is generally lower than that for the Homeownership Zone, this should result in a lower score.)

(b) Up to 5 points out of the 10 available for this criterion will be awarded based on other indicators of distress provided by the applicant. Examples of such indicators include, but are not limited to: family income, unemployment rate, homeownership rate, crime and drug use statistics, homelessness, high school drop-out rate, number of abandoned buildings and vacant lots, and presence of brownfields. Applicants are encouraged to include those particular indicators that accurately present a picture of the level of distress in the neighborhood, rather than include all possible indicators that may simply reinforce a point already made.

(3) Financial Soundness

HUD will award up to 25 points based on the thoroughness and feasibility of the plan for financing Homeownership Zone activities. The plan must be based upon and be consistent with an analysis of the local market. In responding to this criterion, an applicant should:

(a) Include a chart clearly stating the sources and uses of all funds required for development of the project.

(b) Demonstrate how any gap between project development cost and sales price will be satisfied.

(c) Demonstrate how any affordability gap between the per-unit sales price and the financial capacity of the targeted homebuyers to purchase the units will be satisfied.

(d) Attach a copy of a market analysis or summary of the analysis that supports the proposed absorption rate for new homebuyers in the Homeownership Zone.

(e) Attach evidence of commitments for financing, both public and private as specified in the sources and uses table, and lender commitments for construction and permanent mortgage financing.

Note: A sufficient response to (b) and (c) in this part requires applicants to indicate the development cost and sales price of units to be produced, the incomes and debt capacity of targeted homebuyers, the specific underwriting guidelines to be used when providing mortgages to homebuyers, and the structure and amounts of all subsidy to be provided to homebuyers or developers.

(4) Leveraging of Other Resources

HUD will award up to 15 points based on the ratio of other resources the applicant will leverage with Homeownership Zone grant funds to the amount of Homeownership Zone grant funds requested. (Since higher ranked applications in the first Homeownership Zone funding round generally had a high ratio of other resources to Homeownership Zone grant funds, applicants in this competition that demonstrate leveraging of at least $1.00 of other resources for every $1.00 of Homeownership Zone grant funds will improve their chances for funding.) HUD will count the following as leveraged funds: Federal, State, and local public funding, private resources, donations of land or other real property, commitments of volunteer labor and professional services, and waivers of local fees or taxes. Commitments for either construction or permanent financing of housing will not count towards leveraging on the grounds that such financing will be assumed to be available for a well designed, financially sound development. All leveraged resources must be given a monetary value based on the supportable market value of that resource. All unskilled labor, however, will be valued at $10.00 an hour for the purpose of this application. The applicant must state the basis for these market value estimates.

Applicants must provide evidence as to the firmness of specific commitments for leveraged funds. The greater the likelihood that these funds will become available for Homeownership Zone activities, the greater the ratio will be weighted. All applications will be given a score relative to their weighted leveraging ratios and those of all other applications. Therefore an application projecting to leverage $5 million, but providing no evidence of commitment, will likely receive fewer points for this criterion than an application projecting to leverage $2.5 million that presents letters demonstrating specific, firm commitments. In responding to this criterion, applicants should:

(a) State the total amount of other resources that Homeownership Zone grant funds will leverage for the Homeownership Zone, breaking out by source the amounts and intended uses.

(b) Provide evidence of recent specific and firm commitments from the entities providing the resources to the Homeownership Zone.

(c) Include other evidence demonstrating the likelihood that resources projected to be leveraged will be received or otherwise contributed to the Homeownership Zone Program. This may include, but is not limited to, evidence of past public/private partnerships, and past cooperation among the applicant and organizations from which resources will be obtained.

For additional background information that may be of assistance in addressing this criterion, please see Section E(3) of this NOFA (Characteristics of a Successful Homeownership Zone—Additional Investment).

(5) Capacity to Successfully Carry Out the Plan

HUD will award up to 15 points based on the capacity of the applicant, its development team, and other partners to implement Homeownership Zone activities successfully. HUD is primarily concerned that the experience of the entities and key staff carrying out each activity reflect the specific areas of competency required for success in carrying out that activity. For example, if a nonprofit developer will be responsible for building and marketing 100 homes, HUD will expect that the developer has successfully undertaken similar projects in the past. HUD may consider information from performance reports, financial status information, monitoring reports, audit reports, and other information available to HUD in making its determination under this criterion. HUD will not award more than 19 points under this criterion to any proposal that does not include a local partnership recognized by the National Partners in Homeownership. In responding to this criterion, applicants should:

(a) List all entities involved in implementation of Homeownership Zone activities and clearly define the responsibilities of each.

(b) Provide evidence of the experience of all organizations and their key staff involved in implementation of Homeownership Zone activities specific to their areas and level of involvement; for example, provide evidence of experience with homeowner counseling for the entity responsible for providing homeowner counseling, provide evidence of experience with new construction for any entities responsible for new construction activities, etc. Describe achievements under the HOME, CDBG, and other Federal programs, as well as progress in achieving goals set out in the consolidated plan.

(c) Describe specific projects and numbers of units the applicant and subrecipients have either constructed or rehabilitated within the past 5 years.

(d) Explain how weaknesses leading to past HUD performance findings, if any, have been corrected.

(e) State if the applicant has been recognized by the National Partners in Homeownership as having formed a Local Partnership consistent with the National Homeownership Strategy.

For additional background information that may be of assistance in addressing this criterion, please see Section E(4) of this NOFA (Characteristics of a Successful Homeownership Zone—Partnerships and Initiatives).

K. Selection Process

HUD will score all eligible proposals under the selection criteria above and rank them in order of points assigned, with the applications receiving more points ranking above those receiving fewer points. HUD will fund applications in rank order.

HUD reserves the right to establish a maximum amount of any Homeownership Zone grant and to modify requests accordingly. In addition, if HUD determines that an application rated, ranked, and fundable could be funded at a lesser Homeownership Zone grant amount than requested consistent with the feasibility of the funded project or activities and the purposes of the Housing and Community Development Act of 1974, HUD reserves the right to reduce the amount of the Homeownership Zone award in accordance with such determination. HUD may decide not to award the full amount of Homeownership Zone grant funds available under this NOFA and may make any remaining amounts available under a future NOFA. HUD may establish panels including persons not currently employed by HUD to obtain certain expertise and outside points of view in the review and rating of applications.

L. Environmental Review Requirements

HUD will not notify applicants as to whether they have been preliminarily selected for funding until the announcement of the selection of all recipients under this NOFA. HUD's notification of award to a selected applicant will constitute a preliminary approval by HUD subject to HUD's completion of an environmental review of the proposed sites in accordance with 24 CFR part 50. Selection for award (preliminary approval) does not constitute approval of the proposed site(s). The proposals receiving preliminary approval will be subject to a HUD environmental review, in accordance with 24 CFR part 50. HUD will request the applicants selected for award to provide additional detailed information at that time, and otherwise expects these applicants to assist HUD in complying with the environmental review requirements prior to HUD's final approval of the Homeownership Zone plan. HUD may modify proposals or reject proposed sites as a result of that review. Upon successful completion of the environmental review and a commitment to implement environmental mitigation measures, HUD will release the funds from environmental conditions.

Applicants and their development partners are advised not to engage in activities related to the Homeownership Zone proposal that will have an adverse impact on the environment or that will diminish or limit choices of reasonable alternatives to prospective project sites or activities prior to preliminary approval or subsequent completion of the environmental review by HUD under part 50. Applicants are especially cautioned not to demolish or alter potentially historic properties without prior consultation with the State Historic Preservation Officer.

Federal environmental laws and authorities require special analysis of potential environmental impacts when Homeownership Zone properties: (i) Are located within designated coastal barrier resources; (ii) are contaminated by toxic chemicals or radioactive materials; (iii) are located within a floodplain; (iv) are located within a runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield; (v) are listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, an historic district, or that have the potential for affecting a historic district or property; (vi) are located within a designated coastal zone; (vii) are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature; (viii) affect a sole source aquifer; (ix) affect endangered species; (x) are located within a designated wetland; or (xi) are located in a high noise area.

M. Program Threshold Criteria

HUD will use the following standards to assess compliance with civil rights laws at the threshold review. In making this assessment, HUD shall review appropriate records maintained by the Office of Fair Housing and Equal Opportunity, such as records of monitoring, audit, or compliance review finding, complaint determinations, compliance agreements. If the review reveals the existence of any of the following, the application will be rejected:

(1) There is a pending civil rights suit against the sponsor instituted by the Department of Justice.

(2) There is an outstanding finding of noncompliance with civil rights statutes, Executive Orders, or regulations as a result of formal administrative proceedings, unless the applicant is operating under a HUD-approved compliance agreement designed to correct the area of noncompliance, or is currently negotiating such an agreement with HUD.

(3) There is an unresolved Secretarial charge of discrimination issued under section 819(g) of the Fair Housing Act (42 U.S.C. 3619(g)), as implemented by 24 CFR 103.400.

(4) There has been an adjudication of a civil rights violation in a civil action brought against it by a private individual, unless the applicant is operating in compliance with a court order designed to correct the area of noncompliance, or the applicant has discharged any responsibility arising from such litigation.

(5) There has been a deferral of the processing of applications from the sponsor imposed by HUD under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) and HUD regulations (24 CFR 1.8), the Attorney General's Guidelines (28 CFR 50.3), or under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD regulations (24 CFR 8.57).

N. Technical Deficiencies and Technical Assistance

To the extent permitted by law, HUD may advise applicants of technical deficiencies in Homeownership Zone applications after submission and permit them to be corrected. Technical deficiencies relate only to items that would not improve the substantive quality of the application relative to the selection criteria, such as a failure to submit or sign a required certification. Applicants will have 14 calendar days from the date HUD notifies the applicant of any such technical deficiency to submit the appropriate information in writing to HUD.

At any time during the selection process, which began with preparation of this NOFA, HUD staff are limited by the requirements of the HUD Reform Act in the assistance they are permitted to provide regarding applications for Homeownership Zone grants. The assistance and advice they may provide includes such activities as explaining and responding to questions about program regulations or generally

discussing strengths and weaknesses observed in applications submitted for previous competitions, the dates by which decisions will be made, and the procedures that are required to be performed to process an application. The term ''technical assistance,'' however, does not include advising the applicant how to make substantive improvements in its application that will affect ratings. In addition, HUD staff may discuss any information published in the **Federal Register** and in this NOFA, and any information that has been made public through a means other than the **Federal Register** or this NOFA. An informational satellite broadcast on the NOFA for potential applicants is being planned for July. Your HUD field office will inform you of the date and time.

O. Other Federal Requirements

Grantees awarded funds under this NOFA are subject to the following requirements: the administrative requirements of 24 CFR part 85, OMB Circular A–87, and the audit requirements of 24 CFR part 44 (implementing OMB Circular A–128, as amended); the equal opportunity requirements referred to in 24 CFR 5.105(a); the Uniform Relocation Act, as implemented by 49 CFR part 24; the lead-based paint requirements in 24 CFR part 35; the environmental review requirements in 24 CFR part 50; restrictions on participation by ineligible, debarred, or suspended persons or entities referred to in 24 CFR 5.105(c); and the Drug-Free Workplace authorities referred to in 24 CFR part 24.

II. Other Matters

Section 3

Assistance provided under this NOFA is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, and the implementing regulations in 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing (including public and Indian housing) and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons. The eligible activities for which funding is required under this NOFA are consistent with the objectives of section 3.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made for the program in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, DC 20410.

Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this NOFA would not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order.

Section 102 of the HUD Reform Act

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations in 24 CFR part 4, subpart A, contain a number of provisions designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis.

Disclosures

HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

Section 103 of the HUD Reform Act

HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

Prohibition Against Lobbying Activities

Applicants for funding under this NOFA are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991 (31 U.S.C. 1352) (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995 (Pub. L. 104–65; approved December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants of Federal

contracts and grants from using appropriated funds to attempt to influence Federal executive or legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment, or modification. The Byrd Amendment applies to the funds that are the subject of this NOFA. Therefore, applicants must file a certification stating that they have not made and will not make any prohibited payments, and if applicants have made any payments or agreement to make payments of nonappropriated funds for these purposes, they must submit a completed Form SF–LLL disclosing such payments. A blank Form SF–LLL is attached to this NOFA as Appendix B.

The Lobbying Disclosure Act of 1995, requires all persons and entities who lobby covered executive or legislative branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

Dated: June 16, 1997.

Jacquie Lawing,

General Deputy Assistant, Secretary for Community Planning and Development.

Appendix A—List of Hud Field Offices

Telephone numbers for Telecommunications Devices for the Deaf (TTY machines) are listed for CPD Directors in HUD Field Offices; all HUD numbers, including those noted *, may be reached via TTY by dialing the Federal Information Relay Service on 1–800–877–TDDY or (1–800–877–8339).

Alabama

William H. Dirl, Beacon Ridge Tower, 600 Beacon Pkwy. West, Suite 300, Birmingham, AL 35209–3144; (205) 290–7645; TTY (205) 290–7624.

Alaska

Colleen Bickford, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399; (907) 271–4684; TTY (907) 271–4328.

Arizona

Martin H. Mitchell, Two Arizona Center, Suite 1600, 400 N. 5th St., Phoenix, AZ 85004; (602) 379–4754; TTY (602) 379–4461.

Arkansas

Billy M. Parsley, TCBY Tower, 425 West Capitol Ave., Suite 900, Little Rock, AR 72201–3488; (501) 324–6375; TTY (501) 324–5931.

California

(Southern) Herbert L. Roberts, 611 West Sixth St., Suite 800, Los Angeles, CA 90017–3127; (213) 894–8026; TTY (213) 894–8133.

(Northern) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 436–6597; TTY (415) 436–6594.

Colorado

Guadalupe M. Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TTY (303) 672–5248.

Connecticut

Mary Ellen Morgan, 330 Main St., Hartford, CT 06106–1866; (860) 240–4508; TTY (860) 240–4665.

Delaware

Joyce Gaskins, Wanamaker Bldg., 100 Penn Square East, Philadelphia, PA 19107; (215) 656–0624; TTY (215) 656–3452.

District of Columbia (and MD and VA Suburbs)

James H. McDaniel, 820 First St., NE, Washington, DC 20002; (202) 275–0994; TTY (202) 275–0772.

Florida

(Northern) James N. Nichol, 301 West Bay St., Suite 2200, Jacksonville, FL 32202–5121; (904) 232–3587; TTY (904) 232–1241.

(Miami-So. Dade) Angelo Castillo, Gables Tower 1, 1320 South Dixie Hwy., Coral Gables, FL 33146–2911; (305) 662–4570; TTY (305) 662–4511.

Georgia

John L. Perry, Russell Fed. Bldg., Room 270, 75 Spring St., SW, Atlanta, GA 30303–3388; (404) 331–5139; TTY (404) 730–2654.

Hawaii (and Pacific)

Patty A. Nicholas, 7 Waterfront Plaza, Suite 500, 500 Ala Moana Blvd., Honolulu, HI 96813–4918; (808) 522–8180 x264; TTY (808) 522–8193.

Idaho

John G. Bonham, 400 S.W. Sixth Ave., Suite 700, Portland, OR 97204–1632 (503) 326–7012; TTY * via 1–800–877–8339.

Illinois

James Barnes, 77 W. Jackson Blvd., Chicago, IL 60604–3507; (312) 353–1696; TTY (312) 353–5944.

Indiana

Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204–2526; (317) 226–5169; TTY * via 1–800–877–8339.

Iowa

Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955; (402) 492–3144; TTY (402) 492–3183.

Kansas

William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 551–5485; TTY (913) 551–6972.

Kentucky

Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201–1044; (502) 582–6141; TTY 1–800–648–6056.

Louisiana

Gregory J. Hamilton, 501 Magazine St., New Orleans, LA 70130; (504) 589–7212; TTY (504) 589–7237.

Maine

David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640; TTY (603) 666–7518.

Maryland

Joseph J. O'Connor, Acting Director, 10 South Howard Street, 5th Floor, Baltimore, MD 21202–0000; (410) 962–2520 x3071; TTY (410) 962–0106.

Massachusetts

Robert L. Paquin, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5342; TTY (617) 565–5453.

Michigan

Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226–2592; (313) 226–4343; TTY * via 1–800–877–8339.

Minnesota

Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401–2195; (612) 370–3019; TTY (612) 370–3185.

Mississippi

Jeanie E. Smith, Dr. A. H. McCoy Fed. Bldg., 100 W. Capitol St., Room 910, Jackson, MS 39269–1096; (601) 965–4765; TTY (601) 965–4171.

Missouri

(Eastern) James A. Cunningham, 1222 Spruce St., St. Louis, MO 63103–2836; (314) 539–6524; TTY (314) 539–6331.

(Western) William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 551–5485; TTY (913) 551–6972.

Montana

Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TTY (303) 672–5248.

Nebraska

Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955; (402) 492–3144; TTY (402) 492–3183.

Nevada

(Las Vegas, Clark Cnty) Martin H. Mitchell, Two Arizona Center, Suite 1600, 400 N. 5th St., Phoenix, AZ 85004; (602) 379–4754; TTY (602) 379–4461.

(Remainder of State) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 436–6597; TTY (415) 436–6594.

New Hampshire

David J. Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640; TTY (603) 666–7518.

New Jersey

Kathleen Naymola, Acting Director, 1 Newark Center, Newark, NJ 07102; (201) 622–7900x3300; TTY (201) 645–3298.

New Mexico

Frank Padilla, 625 Truman St. N.E., Albuquerque, NM 87110–6472; (505) 262–6463; TTY (505) 262–6463.

New York

(Upstate) Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203–1780; (716) 551–5768; TTY * via 1–800–877–8339.

(Downstate) Joseph D'Agosta, 26 Federal Plaza, New York, NY 10278–0068; (212) 264–0771; TTY (212) 264–0927.

North Carolina

Charles T. Ferebee, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407; (910) 547–4006; TTY (910) 547–4055.

North Dakota

Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TTY (303) 672–5248.

Ohio

John E. Riordan, 200 North High St., Columbus, OH 43215–2499; (614) 469–6743; TTY (614) 469–6694.

Oklahoma

David H. Long, 500 West Main Place, Suite 400, Oklahoma City, OK 73102; (405) 553–7569; TTY * via 1–800–877–8339.

Oregon*

John G. Bonham, 400 S.W. Sixth Ave., Suite 700, Portland, OR 97204–1632 (503) 326–7012; TTY * via 1–800–877–8339.

Pennsylvania

(Western) Bruce Crawford, 339 Sixth Ave., Pittsburgh, PA 15222–2515; (412) 644–5493; TTY (412) 644–5747.

(Eastern) Joyce Gaskins, Wanamaker Bldg., 100 Penn Square East, Philadelphia, PA 19107; (215) 656–0624; TTY (215) 656–3452.

Puerto Rico (and Caribbean)

Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918–1804; (787) 766–5576; TTY (787) 766–5909.

Rhode Island

Robert L. Paquin, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5342; TTY (617) 565–5453.

South Carolina

Louis E. Bradley, Fed. Bldg., 1835 Assembly St., Columbia, SC 29201; (803) 765–5564; TTY (803) 253–3071.

South Dakota

Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TTY (303) 672–5248.

Tennessee

Virginia E. Peck, John J. Duncan Federal Bldg., Third Floor, 710 Locust St. S.W., Knoxville, TN 37902–2526; (423) 545–4391; TTY (423) 545–4559.

Texas

(Northern) Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113–2905; (817) 978–9016; TTY (817) 978–9274.

(Southern) John T. Maldonado, Washington Sq., 800 Dolorosa, San Antonio, TX 78207–4563; (210) 472–6820; TTY (210) 472–6885.

Utah

Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TTY (303) 672–5248.

Vermont

David J. Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640; TTY (603) 666–7518.

Virginia

Joseph K. Aversano, 3600 W. Broad St., Richmond, VA 23230–4920; (804) 278–4503; TTY (804) 278–4501.

Washington*

John W. Peters, Federal Office Bldg., 909 First Ave., Suite 200, Seattle, WA 98104–1000; (206) 220–5150; TTY (206) 220–5185.

West Virginia

Bruce Crawford, 339 Sixth Ave., Pittsburgh, PA 15222–2515; (412) 644–5493; TTY (412) 644–5747.

Wisconsin

Lana J. Vacha, Henry Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203–2289; (414) 297–3113; TTY * via 1–800–877–8339.

Wyoming

Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TTY (303) 672–5248.

*The following areas in Washington State are served by the Oregon CPD office: Clark, Klickitat and Shamania Counties.

BILLING CODE 4210–29–P

APPENDIX B

Disclosure of Lobbying Activities

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse side for Instructions.)

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract ☐ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application ☐ b. initial award c. post-award	☐ a. initial filing ☐ b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, if known: **Congressional District,** if known:	 **Congressional District,** if known:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** **CFDA Number,** if applicable: _____
8. Federal Action Number, if known:	**9. Award Amount,** if known: $
10a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	**b. Individuals Performing Services** (including address if different from No. 10a.) (last name, first name, MI):

11. Information requested through this form is authorized by Sec.319, Pub. L. 101-121, 103 Stat. 750, as amended by sec. 10; Pub. L. 104-65, Stat. 700 (31 U.S.C. 1352). This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ **Date:** _____

Federal Use Only:

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Standard Form-LLL (1/96)

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient, Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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[FR Doc. 97–17548 Filed 7–3–97; 8:45 am]
BILLING CODE 4210–29–C

Federal Register

Monday
July 7, 1997

Part IV

Environmental Protection Agency

Policy on Interpreting CERCLA Provisions Addressing Lenders and Involuntary Acquisitions by Government Entities; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5853–4]

Policy on Interpreting CERCLA Provisions Addressing Lenders and Involuntary Acquisitions by Government Entities

AGENCY: Environmental Protection Agency.

ACTION: Announcement and publication of policy on interpreting CERCLA provisions addressing lenders and involuntary acquisitions by Government entities.

SUMMARY: Set forth below is the policy of the U.S. Environmental Protection Agency (EPA) for interpreting the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that address (1) lenders and (2) government entities that acquire property involuntarily. The Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996 (the ''Asset Conservation Act'') amends the secured creditor exemptions under CERCLA and Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Asset Conservation Act also validates the portion of EPA's ''CERCLA Lender Liability Rule'' that addresses involuntary acquisitions by government entities.

This policy clarifies the circumstances in which EPA intends to apply as guidance the provisions of the CERCLA Lender Liability Rule and its preamble in interpreting CERCLA's amended secured creditor exemption. The document also reminds its readers of the effects of the portion of the CERCLA Lender Liability Rule and the sections of the preamble that address involuntary acquisitions by government entities.

EFFECTIVE DATE: June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Laura Bulatao, Office of Site Remediation Enforcement, U.S. Environmental Protection Agency, 401 M St., SW (mail code 2273–A), Washington, DC 20460 (202–564–6028).

Dated: June 30, 1997.

Barry Breen,

Director, Office of Site Remediation Enforcement, U.S. Environmental Protection Agency.

Policy on Interpreting CERCLA Provisions Addressing Lenders and Involuntary Acquisitions by Government Entities

I. Introduction

This document sets forth the policy of the U.S. Environmental Protection Agency (EPA) for interpreting the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that address (1) lenders and (2) government entities that acquire property involuntarily. The Asset Conservation, Lender Liability, and Deposit Insurance Protection Act (the ''Asset Conservation Act'' or ''Act''), 110 Stat. 3009–462 (1996), amends CERCLA's secured creditor exemption. Using language very similar to the language of EPA's ''CERCLA Lender Liability Rule'' (or ''Rule''), the amendments define key terms and list activities that a lender may undertake without forfeiting the exemption. See ''Final Rule on Lender Liability Under CERCLA,'' 57 FR 18344 (April 29, 1992).[1] (The portion of the Rule addressing lenders remains vacated by a court, as described in section II below.) In addition to amending CERCLA's secured creditor exemption, the Asset Conservation Act validates the portion of the CERCLA Lender Liability Rule that addresses involuntary acquisitions by government entities. It also amends Section 9003(h)(9) of the Resource Conservation and Recovery Act (RCRA), which provides a secured creditor exemption pertaining to underground storage tanks (USTs).

Prepared in consultation with the U.S. Department of Justice (DOJ), this policy clarifies the circumstances in which EPA intends to apply as guidance the provisions of the CERCLA Lender Liability Rule and its preamble in interpreting CERCLA's amended secured creditor exemption. This document also reminds its readers of the effects of the portion of the CERCLA Lender Liability Rule and the sections of the preamble that address involuntary acquisitions by government entities.

II. Background

As enacted in 1980, Section 101(20)(A) of CERCLA exempted from the definition of ''owner or operator'' ''a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility.'' This language left lenders and other secured creditors uncertain as to which types of actions—such as monitoring vessel or facility operations, requiring compliance with applicable laws, and refinancing or undertaking other types of loan workouts—these parties might take to protect their security interests without forfeiting CERCLA's secured creditor exemption. Courts did not always agree on when a lender's actions were ''primarily to protect a security interest,'' and what degree of ''participation in the management'' of the property would forfeit the lender's eligibility for the exemption. This uncertainty was heightened by dicta in the *Fleet Factors* opinion, where the circuit court suggested that a lender participating in the management of a vessel or facility ''to a degree indicating a capacity to influence the corporation's treatment of hazardous waste'' could be considered liable under CERCLA.[2] The lack of legislative history on and inconsistent court treatment of the CERCLA § 101(20)(A) secured creditor exemption prompted EPA to address potential lender liability for cleanup costs at CERCLA sites in the CERCLA Lender Liability Rule, which was promulgated in April 1992.

Regarding the exemption for government entities that acquire property involuntarily and the ''third-party'' defense potentially available to those entities, neither the legislative history of CERCLA §§ 101(20)(D) and 101(35)(A) nor the case law provided sufficient explanation of when a property acquisition or transfer is considered involuntary. Thus, in the Rule, EPA also clarified the language of these sections by providing examples of involuntary acquisitions by government entities.

However, in *Kelley* v. *EPA*, the U.S. Court of Appeals for the District of Columbia Circuit vacated the Rule on the ground that EPA lacked authority to issue the Rule as a binding regulation.[3]

[1] Except to the extent that the CERCLA lender liability provisions apply to Subtitle I of the Resource Conservation and Recovery Act (RCRA) pursuant to the amended Section 9003(h)(9) of RCRA (see the end of section II below), this policy does not address lender liability under any statutory or regulatory authority, rule, regulation, policy, or guidance, other than CERCLA. Specifically, this policy does not modify the ''UST Lender Liability Rule'' issued by EPA on September 7, 1995 (40 CFR 280.200–280.230).

[2] *United States* v. *Fleet Factors Corp.*, 901 F.2d 1550, 1557 (11th Cir. 1990), cert. denied, 111 S. Ct. 752 (1991).

[3] 15 F.3d 1100 (D.C. Cir. 1994), reh'g denied, 25 F.3d 1088 (D.C. Cir. 1994), cert. denied, *American Bankers Ass'n* v. *Kelley*, 115 S. Ct. 900 (1995).

Nevertheless, the *Kelley* decision did not preclude EPA and DOJ from following the provisions of the Rule as enforcement policy.

Consequently, in 1995, EPA and DOJ issued their Policy on CERCLA Enforcement Against Lenders and Government Entities that Acquire Property Involuntarily (''1995 Enforcement Policy''). That document explained that as an enforcement policy, EPA and DOJ intended to apply as guidance the provisions of the CERCLA Lender Liability Rule and the accompanying preamble, thereby endorsing the interpretations and rationales announced in the Rule and preamble.

Partly in response to lenders' concerns that the 1995 Enforcement Policy did not apply to contribution actions brought by third parties attempting to recover their CERCLA response costs from lenders, Congress enacted the Asset Conservation Act. Section 2502 of the Act amends CERCLA's secured creditor exemption. Using language very similar to the language of the CERCLA Lender Liability Rule, the new CERCLA § 101(20) (E)–(G) elaborates on the original exemption by defining key terms and listing activities that a lender may undertake without forfeiting the exemption. Additionally, Section 2504 of the Act validates the portion of the CERCLA Lender Liability Rule that addresses involuntary acquisitions by government entities.

The Asset Conservation Act also addresses lender liability under Section 9003(h)(9) of RCRA. Section 2503 of the Act amends Section 9003(h)(9) of RCRA to protect holders of security interests both as owners and operators of USTs. It also amends Section 9003(h)(9) of RCRA to provide the following: the CERCLA lender provisions apply in determining a person's liability as an owner or operator of an UST; however, where those provisions are inconsistent with the ''UST Lender Liability Rule'' issued by EPA on September 7, 1995 (40 CFR 280.200–280.230), that rule will prevail.

As a result of the enactment of the Asset Conservation Act, EPA and DOJ have withdrawn their 1995 Enforcement Policy, and EPA is now issuing the policy statement below to provide guidance on interpreting CERCLA's lender and involuntary acquisition provisions.

III. Policy Statement

A. Lenders and Other Secured Creditors

In light of the substantial similarities between CERCLA's amended secured creditor exemption and the CERCLA Lender Liability Rule, where the Rule and its preamble provide additional clarification of the same or similar terms used in the secured creditor exemption, EPA intends to treat those portions of the Rule and preamble as guidance in interpreting the exemption. For example, when interpreting the term ''primarily to protect a security interest,'' EPA may consult the portions of the CERCLA Lender Liability Rule that discuss that term. As another example, when determining whether a lender is seeking to divest itself of a foreclosed upon facility ''at the earliest practicable, commercially reasonable time, on commercially reasonable terms,'' EPA may consult the portions of the Rule that describe how a lender may establish that it is undertaking to divest itself of the property ''in a reasonably expeditious manner, using whatever commercially reasonable means are relevant or appropriate'' and that it is continuing to hold that property ''primarily to protect a security interest.''

B. Involuntary Acquisitions by Government Entities

As noted above, Section 2504 of the Asset Conservation Act validated the portion of the CERCLA Lender Liability Rule that addresses involuntary acquisitions by government entities. 40 CFR 300.1105 is therefore legally applicable to the interpretation of CERCLA §§ 101(20)(D) and 101(35)(A), the provisions that address involuntary acquisitions by government entities. Similar to the preamble to any valid regulation, the preamble to the CERCLA Lender Liability Rule will be looked to as authoritative guidance on the meaning of the portion of the Rule addressing involuntary acquisitions. For example, when interpreting the meaning of ''involuntary acquisition or transfer,'' EPA will consult the following definition contained in the preamble:

> [A]ny acquisition or transfer in which the government's interest in, and ultimate ownership of, a specific asset exists only because the conduct of a non-governmental party—as in the case of abandonment or escheat—gives rise to a statutory or common law right to property on behalf of the government.
>
> (57 Fed. Reg. 18372 (1992)).

IV. Use of This Policy

This document is intended solely as guidance for employees of the U.S. Environmental Protection Agency. It is not a rule and does not create any legal obligations. Whether and how EPA applies this policy in any given case will depend on the facts of the case.

For further information about this policy, please contact Laura Bulatao in EPA's Office of Site Remediation Enforcement at (202) 564–6028.

[FR Doc. 97–17595 Filed 7–3–97; 8:45 am]

BILLING CODE 6560–50–P

Federal Register

Monday
July 7, 1997

Part V

Environmental Protection Agency

40 CFR Part 82

Protection of Stratospheric Ozone: Sale of Halon Blends, Intentional Release of Halon, Technician Training and Disposal of Halon and Halon-Containing Equipment; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–5852–6]

RIN–2060–AH44

Protection of Stratospheric Ozone: Sale of Halon Blends, Intentional Release of Halon, Technician Training and Disposal of Halon and Halon-Containing Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a lawsuit filed against EPA by the Sierra Club on March 31, 1995, and the subsequent consent decree, of which notice was published in the **Federal Register** on September 17, 1996 (61 FR 48950), EPA is proposing the following regulations pursuant to section 608 (a)(2) of the Clean Air Act Amendments of 1990 (the Act). Through this action, EPA is proposing to ban the sale of halon blends; to prohibit the intentional release of halons during training of technicians and during testing, repair, and disposal of halon-containing equipment; to require appropriate training of technicians regarding emissions reduction; and to require proper disposal of halon and of halon-containing equipment at the end of its useful life.

DATES: Comments on this proposal must be received by August 6, 1997. If a hearing is requested, it will be held on July 22, 1997, and the comment period will then be extended to August 21, 1997. Anyone who wishes to request a hearing should call Mavis Sanders at 202/233–9737 by July 14, 1997.

ADDRESSES: Comments on this proposal must be submitted to the Air Docket Office, Public Docket No. A–92–01 VIIIG, Waterside Mall (Ground Floor), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in room M–1500. Additional comments and materials supporting this rulemaking are contained in Public Docket No. A–92–01. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

A public hearing, *if requested,* will be held in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mavis Sanders, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205–J), 401 M Street, SW, Washington, DC 20460, (202) 233–9737. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

Persons may contact the Stratospheric Protection Hotline at 1–800–296–1996 to learn if a hearing will be held and to obtain the date and location of any hearing. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Regulated Entities

II. Background

a. Stratospheric Protection
b. Section 608(a) of the Clean Air Act
c. Sierra Club Suit
d. Halons

III. Today's Proposal

a. Banning the Sale of Halon Blends
b. Intentional Release, Halon Technician Training and Disposal of Halons and Halon-Containing Equipment
1. Intentional Release of Halons and Technician Training
2. Exemption From Intentional Release Requirements for Aircraft
3. Disposal of Halons and Halon-Containing Equipment

IV. Administrative Requirements

a. Executive Order 12866
b. Regulatory Flexibility
c. Unfunded Mandates Act
d. Paperwork Reduction Act

I. Regulated Entities

Entities potentially regulated by this action are those that manufacture, sell, or distribute halon blends and persons who test, repair, or dispose of total flooding systems, hand-held fire extinguishers or aerosol containers or who employ technicians to service such equipment. Other entities potentially impacted by the prohibition of the intentional release of halons during technician training and during testing, repair, and disposal of equipment are U.S. military institutions. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Manufacturers, distributors, retailers and recyclers of halon blends. Persons who test, repair, or dispose of halon containing equipment they have purchased, or who employ technicians to perform such services.
Military ..	Military entities that dispose of halon containing equipment, that employ technicians who service halon containing equipment, or that release halons during technician training or during testing, repair, or disposal of equipment.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your company is regulated by this action, you should carefully examine the applicability criteria discussed below. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

a. Stratospheric Protection

The stratospheric ozone layer protects the Earth from penetration of harmful ultraviolet (UV–B) radiation. National and international consensus exists that releases of certain man-made halocarbons, including chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform, contribute to the depletion of the stratospheric ozone layer and should be controlled. Ozone depletion harms human health and the environment through increased incidence of certain skin cancers and cataracts, suppression of the immune system, damage to plants including crops and aquatic organisms, increased formation of ground-level ozone and increased weathering of outdoor plastics. Ozone-depleting substances have been designated as either class I or class II substances (see 40 CFR part 82, appendices A and B to subpart A). Class I substances include chlorofluorocarbons, halons, carbon tetrachloride, methyl chloroform, methyl bromide and hydrobromofluorocarbons; class II substances include hydrochlorofluorocarbons. Halon is commonly used in fire suppression. Halon blends consisting of halon 1211 and halon 1301 were once widely manufactured for use in hand-held portable extinguishers and aerosol containers. However, since January 1, 1994, in accordance with the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), halon production in, and importation into the

U.S. has been prohibited (40 CFR 82.4(b), 82.7; 58 FR 65018). There are limited exceptions to this ban for production for export to countries covered under Article V of the Montreal Protocol (§ 82.9(a)(1)); production/import for essential uses (§ 82.4(r)); and production using destruction/transformation credits under § 82.9(f) (for persons nominated for essential use exemptions only.)

b. Section 608(a) of the Clean Air Act

Section 608 of the Clean Air Act Amendments of 1990 (the Act) requires EPA to establish a comprehensive program to limit emissions of ozone-depleting substances during their use and disposal.

Subsection (a) of section 608 requires EPA to promulgate regulations ''establishing standards and requirements regarding the use and disposal'' of both class I and class II substances. The regulations are to ''reduce the use and emission of such substances to the lowest achievable level'' and to ''maximize the recapture and recycling of such substances.''

On May 14, 1993, EPA promulgated regulations under section 608(a) of the Act, establishing standards and requirements for the use and disposal of class I and II substances during the servicing, repair and disposal of air-conditioning and refrigeration equipment (58 FR 28660.) Statutory authority for today's proposal is found in section 608(a)(2) of the Act, which directs EPA to establish standards and requirements regarding use and disposal of class I and II substances other than refrigerants. Section 608 (a) (2) requires EPA to promulgate additional regulations that establish standards and requirements regarding the use and disposal of both class I and class II substances not covered by the initial set of regulations, i.e., all non-refrigerant uses of class I and class II substances.

The goal of subsection 608(a) is to reduce the use and emission of ozone-depleting substances to the lowest achievable level and maximize the recapture and recycling of such substances. Today's proposed requirements regarding disposal of halon-containing equipment and technician training, together with the proposed bans on the sale of halon blends and the intentional release of halon during repair, testing, and disposal of equipment, and during technician training, are designed to meet the intent of section 608(a) by reducing potential emissions of halon, a significant ozone depleter.

c. Sierra Club Suit

On March 31, 1995, the Sierra Club filed a complaint against EPA, claiming that EPA had not met the requirements of section 608(a)(2) of the Act by taking regulatory steps to minimize use and emissions of ozone-depleting substances other than refrigerants. This action resulted in negotiations between EPA and the Sierra Club that led to a consent decree of which notice was published on September 17, 1996, in the **Federal Register** (61 FR 48950). In the consent decree, EPA agreed to take the following actions with regard to halons: (1) To issue a proposed rule regarding a ban of the sale of all halon blends and to take final action on the proposal; (2) to issue a proposed rule or rules regarding the intentional release of halons during repair and testing of equipment containing halons, training concerning the use of such equipment, disposal of halons, and removal or disposal of equipment containing halons at the end of the life of such equipment; and to take final action on the proposal; and (3) to issue either a proposed rule requiring the certification of recycling and recovery equipment for halons and allowing the removal of halons only through use of certified equipment or a direct final determination that no such rule is necessary or appropriate; and to take final action if a proposal is issued or if adverse comment is received on the direct final determination. EPA will address the third of these commitments in a separate action from today's.

d. Halons

Halons are gaseous or easily vaporized halocarbons used primarily for putting out fires, but also for explosion protection. The two halons most widely used in the United States are Halon 1211 and Halon 1301. Halon 1211 is used primarily in streaming applications and Halon 1301 is typically used in total flooding applications. Some limited use of Halon 2402 also exists in the United States, but only as an extinguishant in engine nacelles (the streamlined enclosure surrounding the engine) on older aircraft and in the guidance system of Minuteman missiles. Today's proposed action is not expected to affect the supply of unblended halons for these important uses.

Halons are used in a wide range of fire protection applications because they combine four characteristics. First, they are highly effective against solid, liquid/gaseous, and electrical fires (referred to as Class A, B, and C fires, respectively). Second, they are clean agents: That is, they dissipate rapidly, leaving no residue and thereby avoiding secondary damage to the property they are protecting. Third, halons do not conduct electricity and can be used in areas containing live electrical equipment where they can penetrate to and around physical objects to extinguish fires in otherwise inaccessible areas. Finally, halons are generally safe for limited human exposure when used with proper exposure controls.

Despite these advantages, halons are among the most ozone-depleting chemicals in use today. With 0.2 representing the threshold for classification as a class I substance, Halon 1301 has an estimated ozone-depleting potential (ODP) of 10; Halon 1211 has an estimated ODP of 3. Thus, while total halon production (measured in metric tons) comprised just 2 percent of the total production of class I substances in 1986, halons represented 23 percent of the total estimated ozone depletion attributable to class I substances produced during that year.

Prior to the early 1990's, the greatest releases of halon into the atmosphere occurred not in extinguishing fires, but during testing and training, service and repair, and accidental discharges. Data generated as part of the Montreal Protocol's technology assessment indicated that only 15 percent of annual Halon 1211 emissions and 18 percent of annual Halon 1301 emissions occur as a result of use to extinguish actual fires. These figures indicated that significant gains could be made in protecting the ozone layer by revising testing and training procedures and by limiting unnecessary discharges through better detection and dispensing systems for halon and halon alternatives. The fire protection community began to conserve halon reserves in response to the impending ban of the production and import of halons 1211, 1301 and 2402 that occurred January 1, 1994. Through standards, research, and field practice the fire protection community eliminated discharge testing with halons and minimized use of halon for testing and training. Additionally, fire equipment distributors began to service and maintain fire suppression equipment regularly to avoid leaks, false discharges, and other unnecessary emissions.

III. Today's Proposal

Today, EPA is proposing several actions relative to the sale and emission of halon as mandated by the Sierra Club consent decree. First, EPA is proposing to ban the sale of all halon blends, including blends of Halon 1211, Halon 1301 and Halon 2402. Today's proposal does not affect the sale of unblended halons.

Second, EPA is proposing to ban the intentional release of halons during repair, testing, and disposal of equipment that contains halon and during technician training. For safety reasons, EPA is proposing to grant an exemption from this ban for halon release used as part of the test of fire extinguishing systems in class C and class D compartments aboard aircraft when such a test is required by the Federal Aviation Administration (FAA) under its Airworthiness Standards.

Third, EPA is requiring halon equipment service companies, halon recyclers, halon equipment manufacturers, and other organizations that employ technicians who service halon-containing equipment to provide training regarding halon emission reduction during the servicing of halon containing equipment.

Finally, EPA is requiring owners of equipment containing halon to dispose of this equipment by returning the halon containing equipment to the manufacturer, a fire equipment distributor or halon recycler for halon recovery. EPA is also requiring persons disposing of halon to send it to a halon recycler.

This proposed action is consistent with the provisions in the consent decree agreed to by EPA and the Sierra Club, which obligate EPA to take certain actions in regard to the requirements contained in section 608 (a)(2) of the Clean Air Act Amendments of 1990 (the ''Act''). EPA has developed the provisions of this proposal with input from representatives of the halon industry, fire protection community, environmental groups and affected trade associations. Since the halon industry has successfully been making significant strides towards reducing halon emission through the use of technician training and efficient halon removal and disposal practices for halon-containing equipment, EPA believes that today's proposal generally reflects existing industry standards and practices. As a result, EPA also believes that today's proposal will not significantly impact members of the fire protection community.

a. Banning the Sale of Halon Blends

EPA is proposing to ban the sale of all halon blends. This ban is expected to reduce the use of such blends in accordance with section 608(a)(3) of the Act by preventing newly manufactured blends from being introduced into the marketplace.

Halon blends are extremely effective fire suppression agents primarily used in portable fire extinguishers. Although the market for these blends is small, inability to recycle and reuse halon blends economically represents a significant environmental risk. Recycled halon is necessary to bridge the gap between the end of halon production in 1994 and the commercial availability of replacements and to provide for critical uses for which satisfactory substitutes or alternative fire protection measures cannot be found. Prior to the 1994 ban on the production of halons, the Halon Alternatives Research Corporation (HARC) helped to sponsor a study on issues related to halon recycling and the establishment of a national recycling program. This program included the creation of a national halon bank. Currently, this halon bank brokers transfers of halon between users and may eventually arrange for storage facilities to accommodate fluctuations in supply and demand of halon. Halon blends can be recycled adequately, but only at significant cost. Therefore halon blends are not commonly recycled and forwarded to a halon bank for critical uses.

Portable halon fire extinguishers are sold, distributed, installed, and maintained by fire equipment dealers and distributors; accidental release and leakage can be reduced through regular maintenance by the distributor. Fire extinguishers that contain halon blends can be returned to equipment dealers or recyclers for halon recovery but not for halon recycling. Recyclers and equipment dealers within the US do not yet have the technology necessary to separate and reclaim halon blends, although new technology is beginning to become available on a very limited basis internationally. Recyclers have not invested in this new technology because the halon blend market is so small that recycling halon blends is deemed unprofitable. Furthermore, EPA believes that there is only one U.S. manufacturer currently producing halon blends. EPA has contacted this manufacturer to determine the impact, if any, a ban of the sale of all halon blends may have on this manufacturer. This manufacturer claimed that halon blends represent less than 2% of its business and that a ban on the sale of halon blends would minimally impact this organization's profitability. Furthermore, this manufacturer stated that because the fire protection community has made considerable progress in identifying and using alternatives or unblended halons that use nitrogen as a propellant, consumer demand for halon blend extinguishers and aerosol containers has already been significantly reduced.

EPA believes that a ban on the sale of halon blends will have minimal impact on manufacturers, distributors or consumers. EPA is seeking comment on the impact that banning the sale of halon blends may have on consumers or industry.

b. Intentional Release, Halon Technician Training and Disposal of Halons and Halon-Containing Equipment

1. Intentional Release of Halons and Technician Training

EPA is proposing to ban the intentional release of halons (including halon blends) during technician training and during testing, repair and disposal of halon-containing equipment, and to require technician training regarding halon emission reduction. Historically, the greatest release of halon into the atmosphere used to occur during testing and training, service and repair, and accidental discharges. However, emissions from Halon 1211 and Halon 1301 applications have decreased substantially over the last five years due to a change in industry practices concerning the release of halon as outlined in the National Fire Protection Association (NFPA) Technical Standards (NFPA 12–A) and Underwriters Laboratories (UL) 1058. These standards require proper leak testing and prohibit the release of halon during system testing.

In an effort to reduce unnecessary emissions, distributors and service companies sponsor technician training programs that are primarily administered by representatives of equipment manufacturers. Additionally, distributors and service companies augment this training through the use of videos and in-house training about the reduction of emissions through the use of standards and codes. These standards and codes are developed by organizations such as the NFPA and UL, which provide minimum requirements for the design, selection, installation, inspection, and maintenance of halon-containing equipment. This additional training may also include information regarding applicable state and local codes and standards.

EPA believes that the fire protection community has responded responsibly to the following tangible incentives to reduce emissions and provide adequate training. First, the value of halon has increased dramatically as it has become less available since the ban on halon production in 1994. Second, in an effort to be responsive to environmental concerns, the fire protection community has developed self-imposed service standards and practices to reduce emissions and increase recycling. Because these incentives directly impact

industry profitability, EPA believes that more stringent requirements for minimizing halon emissions or for technician training are not necessary and would produce very little environmental benefit. Today's proposal therefore is based on the practices the industry has already developed and implemented. EPA is seeking comments on the impact of banning intentional release of halons and requiring emissions reduction training.

2. Exemption From Intentional Release Requirements for Aircraft

EPA is proposing to grant an exemption from the intentional release ban for halon used to test fire suppression systems in class C and class D compartments aboard airplanes.

This exemption is based on FAA requirements relating to aircraft safety. Current Federal Aviation Administration (FAA) Airworthiness Standards for transport category airplanes include a number of classifications for cargo or baggage compartments. Class C cargo or baggage compartments must contain approved built-in fire-extinguishing systems. 14 CFR 25.857(c)(2). The compartments must be designed so that hazardous quantities of extinguishing agent (as well as smoke or flames) can be excluded from areas occupied by the crew or passengers (14 CFR 25.857(c)(3).) In addition, ventilation and drafts must not interfere with the ability of the fire extinguishing agent to control any fire that starts within the compartment (14 CFR 25.857(c)(4).) Flight tests of the fire-extinguishing systems must be conducted to show compliance with these requirements (14 CFR 25.855(h)(2),(3).) These systems typically contain halons as the fire-extinguishing agent. Thus, a ban on intentional release of halons would conflict with these vital safety requirements if no exemption were permitted.

Class D compartments are defined in part as aircraft cargo or baggage compartments not exceeding 1,000 cubic feet that use restriction of available oxygen, as opposed to a fire-extinguishing agent, to control fires (14 CFR 25.857(d)). In light of recent tragedies involving fires that originated in the cargo or baggage compartments of aircraft, EPA believes that class D compartments in addition to class C compartments should be exempted from the ban on intentional release of halon during testing of halon-containing systems. As alternative fire suppression systems for class D compartments are considered to improve aircraft safety, FAA is considering halon systems as an interim viable option.

EPA believes that fires aboard aircraft pose such a great risk to human safety that an exemption from the ban on the intentional release of halons in accordance with FAA's Airworthiness Standards is necessary and appropriate. EPA seeks comment on this proposed exemption.

3. Disposal of Halons and Halon-Containing Equipment

Today's proposal requires owners of equipment containing halon (including a halon blend) to dispose of the equipment by sending the equipment for halon recovery to a fire equipment distributor, a manufacturer, or a halon recycler operating in accordance with NFPA 10 and 12 A standards. The proposal also requires halon (including a halon blend) to be disposed of by sending it to a halon recycler for recycling.

Due to industry outreach efforts, owners of halon-containing equipment and those disposing of halon are already aware of the importance of halon recycling and banking. Industry trade organizations have already been encouraging owners of halon-containing equipment and those disposing of halon to contact manufacturers, halon fire equipment distributors or halon recyclers to ensure that halon is safely removed and recovered for future use. Therefore, today's proposed action is consistent with current industry practices and would not create an additional burden for equipment owners. Most halon systems and extinguishers in use today are purchased, installed, and serviced by fire equipment distributors. Because of the efficiency of these established distribution channels, industry representatives indicate that the simplest way to assure proper recycling of halon is simply to require equipment owners to return halon-containing equipment to distributors. In many cases owners may receive a payment for the halon contained in the equipment because of the current market value of halon. The market value of halon has provided an incentive to industry to consistently recover and recycle halons.

EPA is seeking comments on today's proposal relative to the disposal of halons and halon-containing equipment.

IV. Administrative Requirements

a. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this proposed regulatory action is ''significant'' and therefore subject to 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.

It has been determined by OMB and EPA that this proposal is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review under the Executive Order.

b. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities for the following reasons. The proposal would not have a significant impact in the area of intentional release because it closely models current industry standards for prevention of intentional release of halon during repair, testing, and disposal of halon-containing equipment, and during technician training. The proposal also would not have a significant impact in the areas of technician training and disposal of halons and halon-containing equipment because it closely models current industry standards, including the practice of recovering halons for reuse or recycling. Because the use of halon blends has already declined substantially and because reuse of blends without recycling remains an option, there would not be a substantial number of entities affected by the requirement to dispose of halon blends through recycling. Because the market

for halon blends is so small the ban on the sale of halon blends would not have a significant impact on a substantial number of small entities. Businesses that manufacture, distribute, or sell halon blends would be subject to the ban: however, there would not be a significant impact on these businesses and these businesses are not substantial in number. The one U.S. manufacturer of halon blends of which EPA is aware has stated that the ban on halon blends would minimally impact the business' profitability. Additionally, alternatives to halon blends are available for distribution and sale. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

c. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) 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. Section 204 requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

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 proposed rule is estimated to result in the expenditure by State, local, and tribal governments or 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 proposed rule, the Agency is not required to develop a plan with regard to small governments. Finally, because this proposal does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials.

d. Paperwork Reduction Act

This action requires no information collection subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and therefore no information collection request will be submitted to OMB for review.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control.

Dated: June 26, 1997.

Carol Browner,

Administrator.

40 CFR part 82 is proposed to be amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Part 82 is amended by adding subpart H consisting of §§ 82.250, 82.260 and 82.270 to read as follows:

Subpart H—Halon Emissions Reduction

Sec.

82.250 Purpose and scope.
82.260 Definitions.
82.270 Prohibitions.

Subpart H—Halon Emissions Reduction

§ 82.250 Purpose and scope.

(a) The purpose of this subpart is to reduce the emissions of halon in accordance with section 608 of the Clean Air Act by banning the sale of all halon blends; banning the intentional release of halons during repair, testing, and disposal of equipment containing halons and during technician training; requiring organizations that employ technicians to provide emissions reduction training; and requiring proper disposal of halons and equipment containing halons.

(b) This subpart applies to any person testing, servicing, maintaining, repairing or disposing of equipment that contains halons or using such equipment during technician training. This subpart also applies to any person disposing of halons; to manufacturers, distributors, and retailers of halon blends; and to organizations that employ technicians who service halon containing equipment.

§ 82.260 Definitions.

Disposal of halon means the discarding of halon recovered from halon-containing equipment.

Disposal of halon-containing equipment means the process leading to and including:

(1) The discharge, deposit, dumping or placing of any discarded halon containing equipment into or on any land or water;

(2) The disassembly of any halon-containing equipment for discharge, deposit, or dumping or placing of its discarded component parts into or on any land or water; or

(3) The disassembly of any halon containing equipment for reuse of its component parts.

Manufacturer means any person engaged in the direct manufacture of halon, halon blends or halon-containing equipment.

Person means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof.

Technician means any person who performs testing, maintenance, service, or repair that could reasonably be expected to release halons from equipment into the atmosphere. Technician also means any person who performs disposal of equipment that could reasonably be expected to release halons from the equipment into the atmosphere. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases, owners.

§ 82.270 Prohibitions.

(a) Effective 30 days following promulgation no person may sell or distribute, or offer for sale or distribution, any substance that is a blend of two or more halon products.

(b) Effective 30 days following promulgation, no person testing, maintaining, servicing, repairing, or disposing of halon-containing equipment or using such equipment for technician training may knowingly vent or otherwise release into the environment any halons used in such equipment. De minimis releases associated with good faith attempts to recycle or recover halon are not subject to this prohibition. Release of halons during testing of fire extinguishing systems for aircraft class C and class D compartments in accordance with the

Federal Aviation Administration's Airworthiness Standards is not subject to this prohibition.

(c) Effective 30 days following promulgation, organizations that employ technicians who test, maintain, service, repair, or dispose of halon containing equipment shall provide training for these technicians regarding halon emission reduction.

(d) Effective 30 days following promulgation, owners of halon containing equipment shall dispose of that equipment by forwarding it for halon recovery to a manufacturer operating in accordance with NFPA 10 and NFPA 12A standards, a fire equipment dealer operating in accordance with NFPA 10 and NFPA 12A standards or a recycler operating in accordance with NFPA 10 and NFPA 12A standards. Effective 30 days following promulgation, no person shall dispose of halon except by sending it for recycling to a recycler operating in accordance with NFPA 10 and NFPA 12A standards.

[FR Doc. 97–17594 Filed 7–3–97; 8:45 am]

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Monday
July 7, 1997

Part VI

Environmental Protection Agency

Draft Determination of Adequacy of Section 112 Authorities and Draft Determination of Need for Additional Standards; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–58536–3; Docket No. A–97–21]

RIN 2060–AH49

Draft Determination of Adequacy of Section 112 Authorities And Draft Determination of Need for Additional Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft determinations.

SUMMARY: Today's notice provides, for public comment, the EPA's draft determinations that the legal authorities and mandates provided by section 112 of the Clean Air Act (CAA) are adequate to prevent serious, adverse, public health effects and serious or widespread environmental effects associated with atmospheric deposition of hazardous air pollutants to the Great Waters. Today's notice also provides EPA's draft determination that, at this time, further emission standards or control measures under section 112, beyond those otherwise authorized by section 112, are not necessary and appropriate to prevent such effects. These actions are being taken pursuant to section 112(m)(6) of the CAA, as amended in 1990, and a consent decree entered in *Sierra Club* v. *Browner*, Civ. No. 96–1680. Final determinations are required under the consent decree to be made by March 15, 1998.

DATES: Written comments must be submitted by August 6, 1997.

ADDRESSES: Commenters must send an original and two copies of their comments, referencing docket number A–97–21, to the Air Docket, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Dianne Byrne, Office of Air Quality Planning and Standards (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5342.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The official record for this notice, as well as the public version, has been established for this notice under docket number A–97–21 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which do not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in Word Perfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number (A–97–21). Electronic comments on this draft notice may be filed online at many Federal Depository Libraries.

The information in this notice is organized as follows:

I. Background
II. Introduction
  A. Statutory Requirements for Great Waters Program
  B. Scope of Analysis
III. Statutory Analysis—Other Provisions Relative to section 112(m) Mandate
  A. Definition of Major Source
  B. Definition of Adverse Environmental Effect
  C. Listing of Pollutants
  D. Listing of Sources
  E. Regulations to Control Emissions of Pollutants
  1. MACT and GACT Standards
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  F. Urban Area Source Program
  G. Studies and Reports to Congress
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  H. Solid Waste Incineration Units
IV. Determination of Adequacy and No Need for Further Regulations

I. Background

Pursuant to section 112(m)(6) of the CAA, EPA is submitting for public comment a draft determination that the legal authorities and mandates provided by section 112 of the CAA are adequate to prevent serious, adverse, public health effects and serious or widespread environmental effects associated with atmospheric deposition of hazardous air pollutants (HAP) to the Great Waters. The EPA is also submitting for public comment its draft determination that further emissions standards or control measures under section 112(m)(6), beyond those otherwise authorized or required by section 112, are not at this time necessary or appropriate to prevent such effects. The bases for these draft determinations are discussed in today's notice and are briefly summarized below.

Section 112(m)(6) of the CAA requires that EPA determine whether adequate authority exists within the provisions of section 112, other than subsection (m)(6) to prevent serious, adverse, effects to public health and serious or widespread environmental effects associated with atmospheric deposition of HAP to the Great Waters. In conducting this assessment, EPA reviewed the authorities granted by section 112, as they may function to reduce adverse effects caused by deposition of HAP to the Great Waters. It should be emphasized that this determination pertains to the authority within the CAA to take actions as appropriate to address the enumerated effects; it does not pertain to the efficacy of prior or future actions. In addition, the scope of this determination is focused on the authority within section 112 to address those pollutants and sources that can be regulated under that section's authority. As such, pollutants that are not listed as HAP, pursuant to section 112(b), and source categories that could not be listed pursuant to section 112(b) are not included within the scope of this determination. While not part of this determination, it may be useful to note that some unlisted pollutants that are pollutants of concern to the Great Waters are regulated by other sections of the CAA (such as nitrogen oxides which are regulated pursuant to sections 108, 109, 202, and section 407). Similarly, source categories that are outside the scope of section 112 can be regulated under other provisions of the CAA (such as mobile sources regulated pursuant to section 202). Emissions of the Great Waters' pollutants of concern that are addressed by other statutes (e.g., wastewater discharges addressed by the Clean Water Act) are also not within the scope of this adequacy determination.

Section 112 establishes a statutory scheme by which EPA is to identify HAP which may cause or contribute to adverse effects to public health or the environment, develop performance standards for the control of emissions from stationary sources of such HAP (in addition to the HAP listed by Congress in the CAA), and adjust these control requirements as needed to address any remaining unacceptable risk that may be present after sources have complied with the emission standards. The types of adverse environmental effects to be prevented are defined in the CAA and are broad in scope. An adverse environmental effect is defined by section 112(a)(7) as ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife,

aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.''

Authorities provided by other provisions of section 112 that may be particularly relevant to the Great Waters' pollutants and sources are briefly summarized below. Section 112 authorizes EPA to:

—Identify and list any air pollutant that may cause adverse effects due to atmospheric deposition (section 112(b)).

—Identify and list any stationary source category that emits pollutants with the potential to cause adverse effects (section 112(c)).

—Establish a lesser quantity (e.g., below 10 tons per year for a single pollutant) emission rate based on several factors, including persistence and potential to bioaccumulate. Such emission rate, once established, would replace the 10 ton per year rate, per pollutant, that is otherwise used to define a major source (section 112(a)(1)).

—Establish test methods and analytic procedures for monitoring and measuring emissions, ambient concentrations, deposition, and bioaccumulation of HAP (section 112(b)(5)).

—List sources of 7 specific HAP to assure at least 90 percent of emissions of each pollutant are subject to national emission standards (section 112(c)(6)). These pollutants are of particular concern for the Great Waters.

—Promulgate performance standards (section 112(d)) for major sources and listed area sources. These standards are to reflect the maximum degree of emission reduction that is achievable, taking into consideration the cost of achieving such reduction, non-air quality health and environmental impacts, and energy requirements. In addition, these standards are to apply pollution prevention measures, processes, methods, systems or techniques which reduce the volume of or eliminate emissions through process changes, substitution of materials, enclosure of systems or processes, and other measures.

—Require additional controls, as necessary to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. Authority to take action, as needed, to help prevent the effects identified under section 112(m)(6) is provided by the ''residual risk'' provision (section 112(f)).

—Complete and transmit to Congress two studies that are especially relevant to the Great Waters program. The first is a study of mercury emissions from electric utilities, municipal waste combustors, and other sources, including smaller (i.e., area) sources. When the study becomes final, the results will be helpful in prioritizing mercury reduction strategies. The second study addresses the hazards to public health expected to occur as a result of HAP emissions from electric utilities. Section 112(n)(1)(A) further requires that EPA determine, based on the results its study, whether regulations to reduce utility emissions are warranted. This regulatory determination has not yet been made (section 112(n)(1)).

Based on its analysis of these section 112 provisions, and on current knowledge of emission sources, atmospheric transport and deposition, and bioaccumulation, EPA believes that section 112 authority is adequate to prevent serious adverse effects to public health and serious or widespread environmental effects associated with the deposition of HAP to Great Waters. If the other authorities of section 112 are found inadequate, section 112(m)(6) of the CAA provides additional authority to EPA to adopt further emission standards or other control measures not otherwise mandated or authorized by section 112, if necessary and appropriate, to fully comply with the protective mandate of the Great Waters provisions. Since EPA believes that the authorities in section 112 are adequate to prevent the enumerated effects, EPA believes that it would not be appropriate, at this time, to promulgate further emission standards or other control measures under section 112(m)(6) to prevent such effects beyond those already authorized or required by section 112. In making these draft determinations, EPA is not determining that air deposition of HAP does not currently cause or contribute to adverse effects to the public health or the environment.

II. Introduction

There are three important prerequisites to EPA's ability to identify the need for, and to develop, appropriate actions to address adverse health and environmental effects associated with atmospheric deposition of HAP. First, EPA must have adequate data and methods (e.g., air emissions inventories, ambient and deposition sampling and analysis techniques, and atmospheric fate and transport models) with which to collect and analyze relevant information. Additionally, there must be scientific support for the establishment of appropriate health thresholds, dose-response relationships and effects mechanisms.

This information must be sufficient to support scientific and policy judgments about those effects that should be considered ''serious adverse,'' in the case of human health, and ''serious or widespread,'' in the case of environmental effects. Finally, the Agency must have adequate legal authority to adopt regulations which can effectively reduce the emissions of the pollutants of concern in order to prevent such effects.

Much of the effort to evaluate the extent to which the first two prerequisites (technical and science) have been met is summarized in the first and second Reports to Congress, and EPA expects to continue significant efforts to develop and improve our understanding of the scientific and technical issues. Today's notice discusses the third prerequisite to effective actions, that is, the adequacy of legal authorities provided by section 112 to prevent the effects specified in section 112(m)(6), and announces EPA's draft adequacy determination under that subsection. In addition, today's notice announces EPA's draft determination regarding whether additional emissions standards or control measures under section 112, beyond those otherwise authorized or required by section 112, are at this time necessary and appropriate to prevent such effects.

A. Statutory Requirements for Great Waters Program

Section 112(m) of the CAA, as amended in 1990, 42 U.S.C. 7401 *et seq.* establishes the Great Waters program under which EPA has ongoing responsibilities to identify and assess the extent of atmospheric deposition of HAP to the Great Lakes, Chesapeake Bay, Lake Champlain, and coastal waters (Great Waters, (42 U.S.C. 7412(m)). As part of this program, EPA is to monitor for atmospheric deposition of HAP in the Great Waters, investigate the sources of HAP deposition, research the relative contribution of atmospheric pollutants to total loadings in the Great Waters, evaluate adverse effects to public health or the environment caused by HAP deposition, assess the contribution of HAP deposition to violations of water quality or drinking water standards, and sample for HAP in

biota, fish, and wildlife of the Great Waters, (42 U.S.C. 7412(m)(1) (A)–(E)).[1]

In addition, EPA is to provide periodic Reports to Congress describing the results of any monitoring, studies, and investigations conducted under the Great Waters program, addressing the same issues as mentioned above, and describing any revisions to the requirements, standards and limitations under the CAA or other Federal laws that are necessary to protect the public health and environment from atmospheric deposition (42 U.S.C. 7412(m)(5)).[2] The Agency's implementation of the Great Waters program to date is discussed in the first two Reports to Congress issued under section 112(m)(5): ''Deposition of Air Pollutants to the Great Waters: First Report to Congress'', EPA–453/R–93–055 (May 1994); and ''Deposition of Air Pollutants to the Great Waters: Second Report to Congress'', EPA–453/R–97–011 (June 1997). Copies of these reports can be obtained, as supplies permit, from the Library Services Offices (MD–35), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, or, for a nominal fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, phone: 1–800–553–NTIS or 703–487–4650.

Finally, section 112(m)(6) requires that the Administrator determine whether the other provisions of section 112 are adequate to prevent serious, adverse effects to public health and serious or widespread environmental effects, including such effects resulting from indirect exposure pathways, associated with atmospheric deposition to the Great Waters of HAP (and their atmospheric transformation products, (42 U.S.C. 7412(m)(6)).[3] In making this determination, EPA is to take into consideration the tendency of HAP to bioaccumulate. If EPA determines that the other provisions of section 112 are not adequate, section 112(m)(6) provides that EPA must then promulgate, in accordance with section 112, such further emission standards or control measures as may be necessary and appropriate to prevent such effects, including effects due to bioaccumulation and indirect exposure pathways. Id. As an initial matter, EPA interprets this latter mandate to be a requirement to determine, in the first instance, whether additional controls are necessary and appropriate, rather than as an absolute requirement to promulgate some additional controls. (*See,* e.g., *Environmental Defense Fund* v. *Thomas,* 870 F.2d 892, 898–900 (2nd Cir. 1989) (While district court did not have jurisdiction to compel the Administrator to revise the national ambient air quality standards (NAAQS), it did have jurisdiction to compel EPA to take some formal action either revising the NAAQS or declining to revise them)).

B. Scope of Analysis

In reviewing the language of section 112(m)(6), it is significant to note the CAA's specific reference to the ''other provisions'' of section 112 in describing EPA's duty to assess its ability to prevent the specified effects. This reference to the statutory authorities is in contrast to a consideration of particular regulatory actions that might be taken or have already been taken under those provisions, or of their individual effectiveness. The EPA views this language as calling for an analysis of the adequacy of the regulatory authorities and mandates provided by section 112, rather than of specific actions which might be taken pursuant to this section. In other words, EPA must determine whether the authorities provided by these provisions can adequately prevent the enumerated health and environmental effects. In the event that EPA determines that they cannot, the CAA further provides limited authority to adopt additional rules not specifically mandated or authorized by the other provisions of section 112 as needed to fully comply with section 112(m)(6)'s protective mandate. This authority is limited by its terms to developing rules ''in accordance with'' section 112; EPA may not act, pursuant to section 112(m)(6), inconsistently with the requirements of, or outside the scope of, section 112. This means that any additional regulations promulgated pursuant to section 112(m)(6) could apply only to stationary sources of HAP.

As noted above, EPA does not interpret this language as calling for an analysis of the adequacy of specific rules or actions which have been, or will be, taken pursuant to the provisions of section 112. That is, based on the statutory language itself, for the

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[1] 42 U.S.C. 7412(m)(1) provides:

The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct a program to identify and assess the extent of atmospheric deposition of hazardous air pollutants (and in the discretion of the Administrator, other air pollutants) to the Great Lakes, the Chesapeake Bay, Lake Champlain and coastal waters. As part of such program, the Administrator shall—

(A) monitor the Great Lakes, the Chesapeake Bay, Lake Champlain and coastal waters, including monitoring of the Great Lakes through the monitoring network established pursuant to paragraph (2) of this subsection and designing and deploying an atmospheric monitoring network for coastal waters pursuant to paragraph (4);

(B) investigate the sources and deposition rates of atmospheric deposition of air pollutants (and their atmospheric transformation precursors);

(C) conduct research to develop and improve monitoring methods and to determine the relative contribution of atmospheric pollutants to total pollution loadings to the Great Lakes, the Chesapeake Bay, Lake Champlain, and coastal waters;

(D) evaluate any adverse effects to public health or the environment caused by such deposition (including effects resulting from indirect exposure pathways) and assess the contribution of such deposition to violations of water quality standards established pursuant to the Federal Water Pollution Control Act [33 U.S.C.A. 1251 et seq.] and drinking water standards established pursuant to the Safe Drinking Water Act [42 U.S.C.A. 300f et seq.]; and

(E) sample for such pollutants in biota, fish, and wildlife of the Great Lakes, the Chesapeake Bay, Lake Champlain and coastal waters and characterize the sources of such pollutants.

[2] 42 U.S.C. 7412(m)(5) provides:

Within 3 years of November 15, 1990, and biennially thereafter, the Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Congress a report on the results of any monitoring, studies, and investigations conducted pursuant to this subsection. Such report shall include, at a minimum, an assessment of—

(A) the contribution of atmospheric deposition to pollution loadings in the Great Lakes, the Chesapeake Bay, Lake Champlain and coastal waters;

(B) the environmental and public health effects of any pollution which is attributable to atmospheric deposition to the Great Lakes, the Chesapeake Bay, Lake Champlain and coastal waters;

(C) the source or sources of any pollution to the Great lakes, the Chesapeake Bay, Lake Champlain and costal waters which is attributable to atmospheric deposition;

(D) whether pollution loadings in the Great lakes, the Chesapeake Bay, Lake Champlain or coastal waters cause or contribute to exceedances of drinking water standards pursuant to the Safe Drinking Water Act [42 U.S.C.A. 300f *et seq.*] or water quality standards pursuant to the Federal Water Pollution Control Act [33 U.S.C. 1251 *et seq.*] or, with respect to the Great lakes, exceedances of the specific objectives of the Great Lakes Water Quality Agreement; and

(E) a description of any revisions of the requirements, standards, and limitations pursuant to this chapter and other applicable Federal laws as necessary to assure protection of human health and the environment.

[3] 42 U.S.C. 7412(m)(6) provides:

As part of the report to Congress, the Administrator shall determine whether the other provisions of this section are adequate to prevent serious adverse effects to public health and serious or widespread environmental effects, including such effects resulting from indirect exposure pathways, associated with atmospheric deposition to the Great Lakes, the Chesapeake Bay, Lake Champlain and coastal waters of hazardous air pollutants (and their transformation products). The Administrator shall take into consideration the tendency of such pollutants to bioaccumulate. Within 5 years after November 15, 1990, the Administrator shall, based on such report and determination, promulgate, in accordance with this section, such further emission standards or control measures as may be necessary and appropriate to prevent such effects, including effects due to bioaccumulation and indirect exposure pathways. Any requirements promulgated pursuant to this paragraph with respect to coastal waters shall only apply to the coastal waters of the States which are subject to section 7627(a) of this title.

purposes of conducting the required analysis, EPA must presume that the provisions will be implemented in ways which fully comply with the substantive requirements of the appropriate subsections of section 112 and not speculate about what actual degree of emissions control results from a specific rule adopted in accordance with section 112. The EPA's interpretation of the scope of this analysis is supported by the dates by which Congress anticipated that this determination and any further regulations would be adopted, compared to the deadlines imposed under the Act for full implementation of section 112. Section 112(m)(6) provides that EPA was to make the determination in the Report to Congress required by section 112(m)(5). The first Report to Congress was due on November 15, 1993. The EPA was then required to promulgate additional regulations, if any, based on the report and determination by November 15, 1995. However, many of the deadlines for other actions under section 112 do not fall until much later. By requiring that EPA complete the process of making this determination and adopting further standards or control measures within 5 years after November 15, 1990, EPA presumes Congress knew that a large number of mandated emission standards, programs, and regulations under section 112 would either not yet be commenced, or would still be in the early stages of development. Moreover, even those section 112 controls that had already been promulgated would not yet have demonstrated either success or failure at preventing adverse effects to the public health and environment. Consequently, Congress could not have expected that EPA, at the time this determination was due, would have sufficient information with which to judge the actual scientific or technical adequacy of those recently adopted or future actions or regulations to achieve specific degrees of protection. Indeed, section 112(c)(6), which requires that EPA identify the sources of seven specific pollutants which are of primary concern for the Great Waters, requires only an identification and listing of sources of those pollutants as of November 15, 1995, the same date by which EPA must determine whether additional regulations are necessary and appropriate. Standards to subject these sources to regulations are not required under section 112(c)(6) to be established until 5 years thereafter.

While on the surface there might appear to be some conflict between the section 112(c)(6) and 112(m)(6) deadlines for regulatory action, EPA believes this tension is reconciled by the Agency's interpretation of its section 112(m)(6) duty to be to determine adequacy based solely on an a priori statutory analysis; if after review of the section 112 authorities, EPA concludes that they are inadequate to prevent the enumerated public health or environmental effects, EPA is required to establish further regulations based partly on the conclusion that those other authorities, when eventually implemented, cannot possibly prevent those effects. In other words, EPA is required under section 112(m)(6) to plug any gaps it identifies early. But, if the Agency concludes that section 112 is adequate, the section 112(m)(6) ''duty'' to establish further regulations is not triggered, and the ''conflict'' with other provisions' deadlines for regulatory actions becomes moot.

One question that EPA must resolve in making its determination under section 112(m)(6) concerns the sources of pollutants which are transported through the atmosphere and the extent to which EPA's determination must encompass all such sources. This issue is potentially significant because available information indicates that, in addition to domestic stationary sources of HAP emissions which may be subjected to regulation under section 112, atmospheric deposition of some HAP partially results from mobile source emissions, as well as transport of emissions from foreign sources. Also, some HAP, which were historically introduced to the environment by human activities, are continually being recycled in the environment. That is, pollutants such as PCBs, certain pesticides, and, to some extent, mercury, can revolatilize from soils and waterbodies into the air, where they can be transported downwind to new locations and redeposited, revolatilizing again back into the air from these new locations and transporting further downwind.

Nothing in the language of section 112(m)(6) suggests that the Agency must consider these other sources in determining whether the provisions of section 112 are adequate to prevent the adverse health or environmental effects. That is, the statutory language does not extend the scope of EPA's analysis to encompass impacts from HAP emissions from sources that could not conceivably be subjected to section 112 regulation. Section 112(m)(6) goes on to provide that if EPA has determined the other provisions of section 112 are inadequate, EPA must promulgate additional necessary and appropriate emission standards or other control measures ''in accordance with this section,'' i.e., in accordance with section 112 (42 U.S.C. 7412(m)(6)). Section 112 does not confer authority on the Agency to regulate mobile sources, nondomestic sources of HAP emission, or contaminated sediments. Instead, section 112, and the potential remedy to address an ''inadequacy'' determination under section 112(m)(6), is restricted in application to stationary sources of HAP within the possible regulatory reach of section 112. Moreover, EPA believes that Congress, in enacting the section 112(m)(6) duty to evaluate the adequacy of section 112, clearly understood that section 112, and the section 112 remedy contained in section 112(m)(6), could only extend to stationary sources already within the scope of the section. This is because it would have been unnecessary to ask whether section 112 is adequate to control sources that are clearly beyond its scope, such as mobile sources. For these reasons, it is EPA's view that the scope of the section 112(m)(6) determination should be limited to consideration of the adequacy of section 112 provisions to prevent the enumerated adverse effects associated with HAP emissions from sources which are within the scope of EPA's authority to regulate under section 112. It is important to note that it does not follow from this interpretation that in order to determine that there are, or to address, adverse effects to public health or serious or widespread effects to the environment under section 112, EPA must consider only the contributions from domestic stationary sources subject to regulation under section 112.

III. Statutory Analysis—Other Provisions Relative to Section 112(m) Mandate

Among other things, section 112 establishes a statutory scheme through which EPA is to identify HAP which present or may present a threat of adverse human health effects or adverse environmental effects, develop standards for the control of emissions from major stationary and area sources of such HAP (and the HAP listed by Congress in the CAA), and adjust these emission control requirements to address any remaining unacceptable risk which may be present once sources have complied with the emission standards. The following sections discuss these provisions in further detail, describing the extent to which they authorize or enable actions to prevent serious adverse public health effects and serious or widespread environmental effects associated with atmospheric HAP deposition to the Great Waters, as described in section 112(m)(6).

A. Definition of Major Source

Section 112(a) sets forth several definitions that partly define the scope of EPA's regulatory authority under section 112. The definition of ''major source'' at section 112(a)(1), for example, functions in part to establish which types of stationary sources must be subjected to the most stringent controls. In addition, however, it provides authority to include more sources within the definition, and thus allows EPA to subject additional sources to more stringent controls than is otherwise required under section 112 (42 U.S.C. 7412(a)(1)).[4] While a major source is initially defined to mean any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year of any HAP or 25 tons per year of any combination of HAP, EPA may establish a lesser quantity for a major source based on the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

Section 112(m)(6) requires EPA to consider the tendency of HAP to bioaccumulate when making its determination as to the adequacy of section 112 (42 U.S.C. 7412(m)(6)). Since section 112(a)(1) allows EPA to base lesser quantity emission rates for defining major sources on bioaccumulation and other relevant factors, the authority in section 112(a)(1) can be used, in concert with other provisions of section 112 as discussed below, to impose controls that could help prevent the enumerated effects associated with atmospheric deposition of HAP to the Great Waters.

B. Definition of Adverse Environmental Effect

Section 112(a)(7) defines ''adverse environmental effect'' to mean ''any significant and widespread adverse effect, which may be reasonably anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas'' (42 U.S.C. 7412(a)(7)). The EPA interprets the scope of this term to apply as broadly as the language included in section 112(m)(6) requiring EPA to prevent serious or widespread environmental effects associated with atmospheric deposition to the Great Waters of HAP and their transformation products. The EPA notes that the language of section 112(a)(7) and 112(m)(6) is different: where the former refers to ''significant and widespread adverse effect,'' the latter refers to ''serious or widespread environmental effects.''

The legislative history does not provide further clarification of the reasons for the differences in the terminology used in these two provisions or otherwise suggest that Congress intended for the two phrases to have different meanings. Rather, references to the House Amendments that became section 112(m)(6) indicate that the sponsors understood the language in the Amendments to have the same meaning as that used elsewhere in section 112 to describe ''adverse'' environmental effects. (See, e.g., remarks of Mr. Levine, House Debate 5–21–90, reprinted in *A Legislative History of the Clean Air Act Amendments of 1990*, at 2633; Remarks of Mr. Bilirakis, House Debate 5–23–90, *id.*, at 2941; Remarks of Mr. Lagomarsino, House Debate 5–23–90, *id.*, at 2946; Remarks of Mr. Levine, House Debate 5–23–90, *id.*, at 2938.) The EPA believes that these differences do not impose materially different standards, and that for purposes of the section 112(m)(6) determination, the standard imposed under section 112(a)(7) is substantially the same as that in section 112(m)(6). This is because EPA interprets section 112(m)(6) as directing EPA to assure that only ''adverse'' environmental effects from HAP deposition are prevented, rather than effects that are not ''adverse,'' if any exist. In this context, EPA believes that the differing language in the two subsections functions interchangeably. (See, e.g., *De Sylva* v. *Ballentine,* 351 U.S. 570 (1956) (''the word 'or' is often used as a careless substitute for the word 'and,' that is, it is often used in phrases where 'and' would express greater clarity''); See also, *U.S.* v. *Moore,* 613 F.2d 1029 (D.C. Cir. 1979); *U.S.* v. *1973 One Rol ls Royce,* 43 F.3d 794 (3rd Cir. 1994); *Kelly* v. *Wauconda Park Dist.,* 801 F.2d 269 (7th Cir. 1986); *U.S.* v. *Smeathers,* 884 F.2d 363 (8th Cir. 1989). While the use of different terminology in ections 112(a)(7) and 112(m)(6) does raise some ambiguity regarding Congress' intent, EPA believes that the most reasonable way to resolve this ambiguity is to read the slightly different language in section 112(m)(6) consistently with how Congress defined environmental effects of concern for 11 other purposes under section 112. (*See Chevron U.S.A., Inc.* v. *NRDC,* 467 U.S. 837 (1984).) Otherwise, under a literal reading, Congress might be viewed as having charged EPA with the duty to prevent environmental effects which by definition under section 112 are not ''adverse.'' The EPA does not believe such a reading would make sense, either as a matter of statutory interpretation or as a matter of environmental policy.

Moreover, other language in section 112(m) suggests that Congress intended for the different terminology in section 112(a)(7) and 112(m)(6) to have the same meaning. In section 112(m)(1), the initial subsection directing EPA to establish the Great Waters program, Congress required EPA to evaluate ''any adverse effects to public health or the environment caused by [HAP] deposition (including effects resulting from indirect exposure pathways'' (42 U.S.C. 7412(m)(1)(D)). This provision's use of the section 112(a)(7) defined the term ''adverse environmental effect,'' as inclusive of the same ''effects resulting from indirect exposure pathways'' as defined in section 112(m)(6), indicates that Congress assumed the scope of environmental impacts to be covered by section 112(a)(7) and 112(m)(6) would be the same. Indeed, if Congress had thought otherwise, it would have been unnecessary for it to have asked EPA to assess whether the other substantive provisions of section 112 are adequate to prevent the effects identified in section 112(m)(6). If the environmental effects in section 112(m)(6) are by definition broader in scope than those included in the definition of ''adverse environmental effects'' in section 112(a)(7), the other provisions of section 112 would necessarily be inadequate to prevent them, and no administrative expertise on EPA's part would be needed in order to assess this.

While section 112(a)(7) provides as one example of an ''adverse environmental effect,'' ''significant degradation of environmental quality over broad areas,'' the use of the term ''widespread'' should not be viewed as requiring in all cases an environmental effect to occur in multiple geographic areas. For example, in other contexts, EPA has interpreted ''widespread'' economic impacts as being those that

[4] 42 U.S.C. 7412(a)(1) provides:

The term ''major source'' means any stationary source or group stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

apply to a single affected community. (See EPA final rule, Water Quality Standards Regulation, 48 FR 51400, 51401 (November 8, 1983); 40 CFR 131.10(g)(6).) In addition, section 112(a)(7) provides as another example of ''adverse environmental effects'' impacts on populations of endangered or threatened species; such populations are especially likely to occur in limited geographic areas. EPA believes Congress did not intend the ''widespread'' criterion to exclude impacts that might occur within a limited geographic range that might include, for example, one of the Great Lakes, the Chesapeake Bay, another Great Waters waterbody, or a significant portion of such a waterbody. Thus, to the extent that specific provisions in section 112, such as the residual risk provisions in section 112(f), allow or require EPA to prevent ''adverse environmental effects,'' this authority is adequate to prevent the effects enumerated in section 112(m)(6).

C. Listing of Pollutants

Before EPA may adopt standards or other measures to prevent or control emissions of a given pollutant under section 112, the pollutant must first be formally listed as a HAP pursuant to section 112(b). Section 112(b)(1) provides an initial list of 189 chemicals which Congress concluded are HAP.[5] Section 112(b)(2) also provides in part that the Administrator shall periodically review the list and publish the results thereof and, where appropriate, revise the list by rule, adding pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise (42 U.S.C. 7412(b)(2)).[6] Section 112(b)(3)(B) further provides that EPA shall add substances to the list, upon a showing by outside petitioners or on the Agency's own determination, that ''the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects'' (42 U.S.C. 7412(b)(3)). To assist the Agency in its efforts, section 112(b)(4) provides that, where information on the health or environmental effects of a substance is not sufficient to make a determination required by section 112(b), ''the Administrator may use any authority available to the Administrator to acquire such information'' (42 U.S.C. 7412(b)(4)). Moreover, section 112(b)(5) allows EPA to establish, by rulemaking test measures and other analytic procedures for monitoring and measuring emissions, ambient concentrations, deposition, and bioaccumulation of hazardous air pollutants (42 U.S.C. 7312(b)(5)).

The EPA believes that, taken together, the provisions of section 112(b) discussed above provide adequate authority to identify and formally list any HAP which has the potential for causing adverse public health or environmental effects due to atmospheric deposition. Of the 15 chemicals or chemical classes that have been identified as pollutants of concern in the Great Waters program, 13 are already listed as HAP. The two unlisted pollutants (or pollutant classes) are nitrogen compounds and the pesticide, Dieldrin. The EPA has authority to regulate emissions of nitrogen oxides under other sections of the CAA (e.g., sections 108, 109, 129, 202, and 407). There are currently no known air emission sources of Dieldrin in the United States. This substance is a pollutant of concern because it continues to be measured in the Great Waters at levels considered to be potentially harmful. However, these levels are the result of prior use of the pesticide and its recycling in the environment. Thus, there is currently no basis for adding Dieldrin to the HAP list in section 112.

D. Listing of Sources

Once a pollutant has been listed as a HAP pursuant to section 112(b), EPA is required by section 112(c)(1) to publish and to periodically review and revise a list of all categories and subcategories of major sources and area sources of these pollutants (42 U.S.C. 7412(c)(1)).[7] Section 112(c)(2) then requires EPA to establish emissions standards under section 112(d) for the listed categories and subcategories (42 U.S.C. 7412(c)(2)). Additionally, section 112(c) imposes requirements to list categories or subcategories of sources, including area sources, meeting certain specified criteria. Significant to section 112(m) are the requirements of section 112(c)(6)—EPA is required to identify and to list categories and subcategories of sources to assure that at least 90 percent of the aggregate emissions of each of seven specific pollutants are subject to emission standards under section 112 (d)(2) or (d)(4) and 42 U.S.C. 7412(c)(6)).[8] These seven pollutants, alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorobenzo-p-dioxin—are identified as pollutants of concern to the Great Waters, and standards for them must be promulgated by November 15, 2000.

Moreover, section 112(c)(5) provides EPA with broad discretion to list additional categories and subcategories of area sources of HAP any time the Agency finds they present a threat of

[5] This list now contains 188 HAP, as a result of EPA's final decision to remove the compound caprolactam from the section 112(b)(1) list. See 61 FR 30816 (June 18, 1996), codified at 40 CFR 63.60.

[6] 42 U.S.C. 7412(b)(2) provides:

The Administrator shall periodically review the list established by this subsection and publish the results thereof and, where appropriate, revise such list by rule, adding pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, but not including releases subject to regulation under subsection (r) of this section as a result of emissions to the air. No air pollutant which is listed under section 7408(a) of this title may be added to the list under this section, except that the prohibition of this sentence shall not apply to any pollutant which independently meets the listing criteria of this paragraph and is a precursor to a pollutant which is listed under section 7408(a) of this title or to any pollutant which is in a class of pollutants listed under such section. No substance, practice, process or activity regulated under subchapter VI of this chapter shall be subject to regulation under this section solely due to its adverse effects on the environment.

[7] 42 U.S.C. 7412(c)(1) provides:

Not later than 12 months after November 15, 1990, the Administrator shall publish, and shall from time to time, but no less often than every 8 years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources and area sources (listed under paragraph (3)) of the air pollutants listed pursuant to subsection (b) of this section. To the extent practicable, the categories and subcategories listed under this subsection shall be consistent with the list of source categories established pursuant to section 7411 of this title and part C of this subchapter. Nothing in the preceding sentence limits the Administrator's authority to establish subcategories under this section, as appropriate.

[8] 42 U.S.C. 7412(c)(6) provides:

With respect to alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Administrator shall, not later than 5 years after November 15, 1990, list categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(2) or (d)(4) of this section. Such standards shall be promulgated not later than 10 years after November 15, 1990. This paragraph shall not be construed to require the Administrator to promulgate standards for such pollutants emitted by electric utility steam generating units.

adverse effects to human health or the environment, either in the aggregate or individually (42 U.S.C. 7412(c)(5)).[9] Finally, section 112(c)(3) imposes two additional requirements on EPA. First, EPA must list each category or subcategory of area sources (i.e., nonmajor stationary sources of HAP) which EPA finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under section 112; and second, EPA must list, based on actual or estimated aggregate emissions of a listed pollutant or pollutants, sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the area source emissions of the 30 HAP that present the greatest threat to public health in the largest number of urban areas are subject to regulation under section 112 (42 U.S.C. 7412(c)(3).[10] These regulations must be promulgated by November 15, 2000.

In its use of the terms ''category'' and ''subcategory'' of sources, the CAA does not provide definitive guidance and, thus, EPA's discretion in how to apply those terms is broad. The CAA does provide definitions of ''major,'' ''stationary'' and ''area'' sources, the latter meaning any stationary source of HAP that is not a major source and excluding motor vehicles or nonroad vehicles subject to title II of the CAA (42 U.S.C. 7412(a)(2).)[11] Thus, section 112(c) provides for the listing of stationary sources only and does not reach such sources as motor vehicles, aircraft, nonroad engines or vehicles such as locomotives.

While this might appear to be a deficiency in the scope of section 112, to the extent that emissions from such sources can cause or contribute to significant and harmful atmospheric deposition of HAP, they can be regulated under other provisions of the CAA such that section 112 is not necessarily rendered ''inadequate'' due to its focus on stationary sources. For example, in the case of emissions from motor vehicles, section 202(a)(1) requires EPA to promulgate emissions standards for any air pollutants from new motor vehicles or their engines which in the Administrator's judgment cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare (42 U.S.C. 7521(a)(1)). In addition, section 211(k)(1) requires EPA to promulgate requirements for the reformulation of gasoline to control toxic air pollutants from motor vehicles which reflect the greatest degree of emission reduction achievable through the reformulation of gasoline, taking into consideration cost and various factors. ''Toxic air pollutants'' are defined to include polcyclic organic matter (POM), a pollutant of concern for the Great Waters (42 U.S.C. 7545(k)(1), (10)(C)). Finally, section 213(a)(4) allows EPA to promulgate regulations applicable to emissions from nonroad engines or vehicles, in addition to those covering ozone and carbon monoxide, whenever the Administrator determines that those emissions may reasonably be anticipated to endanger public health or welfare (42 U.S.C. 7547(a)(4)).

Based on this analysis, EPA believes that its authority to list stationary sources of the listed HAP is sufficiently comprehensive for domestic stationary sources, including small stationary sources. The EPA is not aware of any basis by which a category or subcategory of stationary sources of a listed HAP that is of concern under the Great Waters program could evade listing for regulation under section 112. While this authority is limited to stationary sources and thus does not authorize regulation of mobile sources under section 112, EPA's other CAA authority provides sufficient authority to address HAP emissions from nonstationary sources subject to the CAA such that the listing provisions of section 112(c) are adequate for purposes of section 112(m)(6).

E. Regulations to Control Emissions of Pollutants

1. Maximum Achievable Control Technology and Generally Available Control Technology Standards

Once a pollutant is formally listed under section 112(b), and EPA has also listed the stationary source categories or subcategories of that pollutant, the Agency is required by section 112(d)(2) to promulgate regulations to establish emission standards requiring the maximum degree of reduction in emissions of the HAP, including a prohibition on such emissions where achievable, that the Administrator, taking into consideration the cost of achieving these emission reductions and any non-air quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which the emission standard applies (42 U.S.C. 7412(d)(2)).[12] These standards are referred to as MACT standards, and they must require application of measures, processes, methods, systems or techniques which reduce the volume of, or eliminate, emissions of HAP. Such reduction or elimination of HAP may occur through process changes,

[9] 42 U.S.C. 7412(c)(5) provides:

In addition to those categories and subcategories of sources listed pursuant to paragraphs (1) and (3), the Administrator may at any time list additional categories and subcategories of sources of hazardous air pollutants according to the same criteria for listing applicable under such paragraphs. In the case of source categories and subcategories listed after publication of the initial list required under paragraph (1) or (3), emission standards under subsection (d) of this section for the category or subcategory shall be promulgated within 10 years after November 15, 1990, or within 2 years after the date on which such category or subcategory is listed, whichever is later.

[10] 42 U.S.C. 7412(c)(3) provides:

The Administrator shall list under this subsection each category or subcategory of area sources which the Administrator finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section. The Administrator shall, not later than 5 years after November 15, 1990, and pursuant to subsection (k)(3)(B) of this section, list, based on actual or estimated aggregate emissions of a listed pollutant or pollutants, sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the area source emissions of the 30 hazardous air pollutants that present the greatest threat to public health in the largest number of urban areas are subject to regulation under this section. Such standards shall be promulgated not later than 10 years after November 15, 1990.

[11] 42 U.S.C. 7412(a)(2) provides:

The term ''area source'' means any stationary source of hazardous air pollutants that is not a major source. For purposes of this section, the term ''area source'' shall not include motor vehicles or nonroad vehicles subject to regulation under subchapter II of this chapter.

[12] 42 U.S.C. § 7412(d)(2) provides:

Emissions standards promulgated under this subsection and applicable to new or existing sources of hazardous air pollutants shall require the maximum degree of reduction in emissions of the hazardous air pollutants subject to this section (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which such emission standard applies, through application of measures, processes, methods, systems or techniques including, but not limited to, measures which—

(A) reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications,

(B) enclose systems or processes to eliminate emissions,

(C) collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point,

(D) are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in subsection (h) of this section, or

(E) are a combination of the above.

None of the measures described in subparagraphs (A) through (D) shall, consistent with the provisions of section 7414© of this title, in any way compromise any United States patent or United States trademark right, or any confidential business information, or any trade secret or any other intellectual property right.

substitution of materials or other modifications, enclosing systems or processes to eliminate emissions, and taking other specified measures. *Id*.

Subsection 112(d)(3) goes on to establish that these emission standards may not be less stringent than the emission control that is achieved in practice by the best controlled similar source, in the case of new sources; by the average emission limitation achieved by the best performing 12 percent of the existing sources; or by the average emission limitation achieved by the best performing five existing sources, where there are fewer than 30 sources in the category or subcategory, whichever is applicable (42 U.S.C. 7412(d)(3)). [13] Moreover, for source categories or subcategories of area sources listed under section 112(c), section 112(d)(5) allows EPA, in lieu of requiring MACT for such sources, to promulgate standards which provide for the use of GACT) or management practices to reduce emissions of HAP (42 U.S.C. 7412(d)(5)). Additional provisions are made for emission standards for coke ovens, and an exclusion from regulation is provided for radionuclides and their sources licensed by the Nuclear Regulatory Commission if certain findings are made. Finally, section 112(d)(7) provides that any more stringent requirements or emissions limitations established under provisions of the Act other than section 112 or under State authority are preserved (42 U.S.C. 7412(d)(7)).

While section 112(d)(5) of the CAA allows EPA to restrict application of MACT standards to major sources and to promulgate less stringent GACT standards for area sources, the Agency is not required to do so. As discussed earlier in this notice, although major sources are defined as those which emit 10 tons per year or more of any HAP or 25 tons per year of any combination of HAP, EPA is granted discretion under section 112(a)(1) to establish a lesser quantity emissions rate (LQER) for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors (42 U.S.C. 7412(a)(1)). In addition, EPA interprets section 112(d)(5) as authorizing the Administrator to establish GACT standards for area sources when the imposition of MACT is determined to be unreasonable (See 60 FR 4948, 4953, January 25, 1995). Thus, while EPA is permitted by section 112(d)(5) to establish standards or requirements which provide for the use of GACT or management practices to reduce emissions of HAP, EPA retains discretion to subject area source categories or subcategories to MACT where appropriate.

While the provisions of section 112(d) require EPA to focus the potentially more stringent performance standards and control efforts on major sources, they also allow EPA the discretion to apply these requirements to smaller sources.

Section 112(e) establishes an aggressive schedule for establishing section 112(d) standards. In addition to requiring all emission standards for all categories and subcategories to be promulgated no later than November 15, 2000, section 112(e)(2) requires EPA to consider the known or anticipated adverse effects of HAP on public health and the environment and other factors when determining priorities for promulgating section 112(d) standards (42 U.S.C. 7412(e)(2)).

2. Residual Risk Standards

The Agency expects to achieve the vast majority of HAP emissions reductions under section 112 through application of the section 112(d) MACT and GACT programs. It must be stressed, however, that MACT and GACT standards are not required to achieve a specified health-based result or prevent specified environmental effects. Consequently, section 112 provides another mechanism to address situations where additional reductions are necessary to protect the public health or prevent an adverse environmental effect, even after imposition of controls such as MACT or GACT. The EPA is required by section 112(f)(2)(A) to promulgate more stringent standards within 8 years after the adoption of the initial MACT standards, if such action is necessary to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect (42 U.S.C. 7412(f)(2)(A)).[14] Whenever MACT standards under section 112(d) applicable to a source category or subcategory emitting a pollutant classified as a known, probable or possible human carcinogen do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than one in one million, standards are required under section 112(f). If providing an ample margin of safety to protect public health is not adequate to prevent an adverse environmental effect, a more stringent standard must be promulgated. In addition, while section 112 does not require EPA to conduct residual risk analyses for GACT standards, the Agency retains the discretion to establish residual risk standards in appropriate cases after application of GACT. The EPA views this provision as providing the Agency the authority to prevent any remaining adverse environmental effect, as defined in section 112(a)(7), presented by HAP emissions from stationary sources after

[13] 42 U.S.C. § 7412(d)(3) provides:

The maximum degree of reduction in emissions that is deemed achievable for new sources in a category or subcategory shall not be less stringent than the emission control that is achieved in practice by the best controlled similar source, as determined by the Administrator. Emissions standards promulgated under this subsection for existing sources in a category or subcategory may be less stringent than standards for new sources in the same category or subcategory but shall not be less stringent, and may be more stringent than—

(A) the average emission limitation achieved by the best performing 12 percent of the existing sources (for which the Administrator has emissions information), excluding those sources that have, within 18 months before the emission standard is proposed or within 30 months before such standard is promulgated, whichever is later, first achieved a level of emission rate or emission reduction which complies, or would comply if the source is not subject to such standard, with the lowest achievable emission rate (as defined by section 7501 of this title) applicable to the source category and prevailing at the time, in the category or subcategory for categories and subcategories with 30 or more sources, or

(B) the average emission limitation achieved by the best performing 5 sources (for which the Administrator has or could reasonably obtain emissions information) in the category or subcategory for categories or subcategories with fewer than 30 sources.

[14] 42 U.S.C. § 7412(f)(2)(A) provides:

If Congress does not act on any recommendation submitted under paragraph (1), the Administrator shall, within 8 years after promulgation of standards for each category or subcategory of sources pursuant to subsection (d) of this section, promulgate standards for such category or subcategory if promulgation of such standards is required in order to provide an ample margin of safety to protect public health in accordance with this section (as in effect before November 15, 1990) or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. Emission standards promulgated under this subsection shall provide an ample margin of safety to protect public health in accordance with this section (as in effect before November 15, 1990), unless the Administrator determines that a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. If standards promulgated pursuant to subsection (d) of this section and applicable to a category or subcategory of sources emitting a pollutant (or pollutants) classified as a known, probable or possible human carcinogen do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than one in one million, the Administrator shall promulgate standards under this subsection for such source category.

imposition of controls under section 112(d).

As discussed earlier in today's notice, for purposes of section 112 in general, the term ''adverse environmental effect'' is defined by section 112(a)(7) to include ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas'' (42 U.S.C. 7412(a)(7)). Again, EPA interprets the scope of this defined term to apply as broadly as the effects discussed in section 112(m)(6). Moreover, section 112(f)(2)(A) allows the Agency to promulgate appropriate further emissions standards for a source category or subcategory as necessary to provide an ample margin of safety to protect public health or to prevent any adverse environmental effect. Where the risk of harm to public health or the risk of an adverse environmental effect is presented by only certain sources within a source category or subcategory, EPA believes it may appropriately tailor the section 112(f)(2) regulations applicable to the source category or subcategory such that the requirement to achieve additional emissions reductions or undertake other control efforts is imposed only on those sources within the category or subcategory that present the risk. This approach would avoid possible unnecessary imposition of these risk-based requirements on any sources in the category or subcategory whose emissions do not present such risk, and allow EPA to most effectively craft the section 112(f)(2)(A) requirements applicable to the category or subcategory to specifically address the risks at issue. This interpretation is supported by section 112(f)(2)(A)'s provision that EPA is authorized to promulgate additional standards to prevent ''an'' adverse environmental effect. The reference to ''adverse environmental effect'' in the singular contemplates a situation where, for example, an adverse environmental effect is presented by a limited number of sources within a source category or subcategory, over a limited geographic or situational range. Moreover, while EPA recognizes that section 112(f)(2)(A) requires the Agency to consider cost, energy, safety and other relevant factors when establishing a more stringent limit than is necessary to protect the public health with an ample margin of safety, EPA has substantial discretion in determining how to evaluate those factors and what weight to give them. (See, *New York* v. *Reilly,* 969 F.2d 1147, 1150 (D.C. Cir. 1992) (citing *Center for Auto Safety* v. *Peck,* 751 F.2d 1336, 1342 (D.C, Cir. 1985), *Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1045 (D.C. Cir. 1978)(Congress ''left EPA with discretion to decide how to account for the consideration of factors, and how much weight to give each factor'').) The presence of these factors further supports EPA's view that it has substantial discretion in developing the most appropriate approaches to addressing residual risks presented by source categories or subcategories. For example, EPA could use its section 112(f) residual risk authority to address adverse environmental effects to Great Waters waterbodies that are associated with the atmospheric deposition of HAP emitted by particular sources within source categories.

In developing additional standards to address residual risk following adoption of MACT standards, section 112(f) states that the Administrator shall not be required to conduct any residual risk review or promulgate additional emission limitations for any category or subcategory of area sources that is listed under section 112(c)(3) for which a GACT emission standard is promulgated pursuant to section 112(d)(5) (42 U.S.C. 7412(f)(5)).[15] In effect, this provision grants discretionary authority to EPA to provide an exemption for area sources from the more stringent residual risk standards. It is important to emphasize, however, that this exemption is wholly within EPA's discretion so that, should the Agency determine that emissions of one or more HAP from area sources within a source category or subcategory pose unacceptable remaining risks to human health or the environment, even after application of section 112(d) emission controls, it has authority under section 112(f) to adopt more stringent standards governing these sources as well. This is in addition to EPA's discretionary authority to apply more stringent MACT standards to area sources in the first instance. Thus, the CAA provides authority in section 112(f)(2)(A) to take action with respect to stationary source categories or subcategories as needed to prevent the same sorts of effects identified under section 112(m)(6), and to focus such action so that the duty to undertake measures in compliance with the residual risk standard is triggered by sources within the subject category or subcategory that present the risk of causing these effects.

[15] 42 U.S.C. 7412(f)(5) provides:

The Administrator shall not be required to conduct any review under this subsection or promulgate emission limitations under this subsection for any category or subcategory of area sources that is listed pursuant to subsection (c)(3) of this section and for which an emission standard is promulgated pursuant to section (d)(5) of this section.

F. Urban Area Source Program

Section 112(k) requires EPA to implement the urban area source program. After conducting research to monitor, analyze and consider HAP emissions from area sources in urban areas and their public health risks, EPA is required under section 112(k)(3)(B)(I) to identify the 30 HAP emitted from area sources that present the greatest threat to public health in the largest number of urban areas (42 U.S.C. 7412(k)(3)(B)(I)). The EPA must then identify the source categories for listing under section 112(c), assuring that sources accounting for at least 90 percent of the aggregate emissions of each of the 30 identified HAP will be subject to standards pursuant to section 112(d) (42 U.S.C. 7412(k)(3)(B)(ii)).

Section 112(k)(3)(C) then requires EPA to prepare a strategy including a schedule of specific actions to reduce public health risks posed by emissions of HAP by area sources, which would be implemented by EPA or the States under several Federal and State environmental statutes. This strategy must achieve at least a 75 percent reduction in the incidence of cancer attributable to exposure to HAP emitted by stationary sources (42 U.S.C. 7412(k)(3)(C)). In addition to this national urban area source strategy, EPA shall also encourage and support areawide strategies developed by State and local agencies intended to reduce risks from emissions by area sources in particular urban areas, and prepare guidelines for control technologies or management practices which may be applicable to various source categories (42 U.S.C. 7412(k)(4)).

To the extent that the urban area source program identifies and achieves reductions in HAP that are also pollutants of concern in the Great Waters, section 112(k) provides an additional tool for reducing HAP emissions that present serious adverse effects to the public health or environment through atmospheric deposition. For example, this program could result in significant reductions in emissions of POM, with incidental benefits for the specific environmental values required to be protected under the Great Waters provisions, if POM is identified as one of the 30 most hazardous air pollutants emitted by area sources.

G. Studies and Reports to Congress

1. Mercury

Section 112(n)(1)(B) requires EPA to study and report to Congress on mercury emissions from electric utility steam generating units, municipal waste combustion units, and other sources, including area sources (42 U.S.C. 7412(n)(1)(B)).[16] This study must consider the rate and mass of such mercury emissions, the health and environmental effects of the emissions, available technologies to control these emissions, and the costs of applying such technology.

When the report becomes final, the results of the study will be helpful in prioritizing mercury reduction strategies.

2. Electric Utilities

Under section 112(n)(1)(A), EPA must also study and report to Congress on the hazards to public health reasonably anticipated to occur as a result of emissions of HAP by electric utility steam generating units after imposition of the CAA requirements (42 U.S.C. 7412(n)(1)(A)).[17] This report must develop and describe alternative control strategies for emissions which may warrant regulation under section 112, and EPA is required by section 112(n)(1)(A) to regulate electric utility steam generating units under section 112 if EPA finds such regulation is necessary and appropriate after considering the study.

These provisions provide EPA the authority to achieve reductions in HAP emissions from electric utilities as necessary and appropriate to prevent reasonably anticipated hazards to public health and the environment, which would have benefits for the Great Waters. For example, if EPA determines that regulation of mercury emissions from electric utilities is necessary and appropriate, EPA would have the full set of regulatory tools available under section 112 to address those emissions, including section 112(f), as well as any additional alternative control strategies the Agency has identified in its Report to Congress.

H. Solid Waste Incineration Units

Solid waste incineration units such as those that combust municipal waste, medical waste, and industrial and commercial waste, are regulated under sections 111 and 129 of the CAA. While this is not literally a section 112 program, the types of standards to be applied under section 129(a)(2) are MACT standards, and shall be based on methods and technologies for removal or destruction of pollutants before, during or after combustion. For new units, they must incorporate siting requirements that minimize, on a site-specific basis, to the maximum extent practicable, potential risks to public health or the environment (42 U.S.C. 7429(a)(2), (3)).[18] These standards are required for certain HAP (as well as specified criteria pollutants) identified in section 129: solid waste incineration units must be subjected to numerical emission limitations for lead, cadmium, mercury, dioxins and dibenzofurans (42 U.S.C. 7429(a)(4)).[19] Moreover, section 129(h)(3) requires EPA to promulgate residual risk standards under section 112(f)(2) for emissions of these pollutants from solid waste incineration units, if such standards are required in order to provide an ample margin of safety to protect the public health or to prevent an adverse environmental effect as set forth in section 112(f)(2)(A) (42 U.S.C. 7429(h)(3)).[20] Finally, State and local government agencies are authorized under section 129(h)(1) to adopt and enforce regulations, requirements, limitations or standards relating to solid waste incineration units that are more stringent than those promulgated by EPA (42 U.S.C. 7429(h)(1); (b)(2)).

This program will result in significant reductions in emissions of pollutants of concern for the Great Waters from solid waste incineration units. Especially in light of the authority to subject these units to residual risk standards under section 112(f)(2) and EPA's substantial discretion afforded under that subsection, EPA believes that it has adequate authority to prevent solid waste incineration unit emissions of the specified HAP in section 129(a)(4) from causing serious adverse public health and environmental effects associated with deposition to the Great Waters.

IV. Determinations of Adequacy and No Need for Further Regulations

Based on available information and on the foregoing analysis, guided by EPA's interpretation of the statutory

[16] 42 U.S.C. 7412(n)(1)(B) provides:

The Administrator shall conduct, and transmit to the Congress not later than 4 years after November 15, 1990, a study of mercury emissions from electric utility steam generating units, municipal waste combustion units, and other sources, including area sources. Such study shall consider the rate and mass of such emissions, the health and environmental effects of such emissions, technologies which are available to control such emissions, and the costs of such technologies.

[17] 42 U.S.C. 7412(n)(1)(A) provides:

The Administrator shall perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions by electric utility steam generating units of pollutants listed under subsection (b) of this section after imposition of the requirements of this chapter. The Administrator shall report the results of this study to the Congress within 3 years after November 15, 1990. The Administrator shall develop and describe in the Administrator's report to Congress alternative control strategies for emissions which may warrant regulation under this section. The Administrator shall regulate electric utility steam generating units under this section, if the Administrator finds such regulation is appropriate and necessary after considering the results of the study required by this subparagraph.

[18] 42 U.S.C. 7429(a)(2) and (3) provide:

(2) Standards applicable to solid waste incineration units promulgated under section 7411 of this title and this section shall reflect the maximum degree of reduction in emissions of air pollutants listed under section (a)(4) that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for new or existing units in each category. The Administrator may distinguish among classes, types (including mass-burn, refuse-derived fuel, modular and other types of units), and sizes of units within a category in establishing such standards. The degree of reduction in emissions that is deemed achievable for new units in a category shall not be less stringent than the emissions control that is achieved in practice by the best controlled similar unit, as determined by the Administrator. Emissions standards for existing units in a category may be less stringent than standards for new units in the same category but shall not be less stringent than the average emissions limitation achieved by the best performing 12 percent of units in the category (excluding units which first met the lowest achievable emissions rates 18 months before the date such standards are proposed or 30 months before the date such standards are promulgated, whichever is later).

(3) Standards under section 7411 of this title and this section applicable to solid waste incineration units shall be based on methods and technologies for removal or destruction of pollutants before, during, or after combustion, and shall incorporate for new units siting requirements that minimize, on a site specific basis, to the maximum extent practicable, potential risks to public health or the environment.

[19] 42 U.S.C. 7429(a)(4) provides:

The performance standards promulgated under section 7411 of this title and this section and applicable to solid waste incineration units shall specify numerical emission limitations for the following substances or mixtures: particulate matter (total and fine), opacity (as appropriate), sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. The Administrator may promulgate numerical emissions limitations or provide for the monitoring of postcombustion concentrations of surrogate substances, parameters or periods of residence time in excess of stated temperatures with respect to pollutants other than those listed in this paragraph.

[20] 42 U.S.C. 7429(h)(3) provides:

The Administrator shall promulgate standards under section 7412(f) of this title for a category of solid waste incineration units, if promulgation of such standards is required under section 7412(f) of this title. For purposes of this preceding sentence only—

(A) the performance standards under subsection (a) of this section and section 7411 of this title applicable to a category of solid waste incineration units shall be deemed standards under section 7412(d)(2) of this title, and

(B) the Administrator shall consider and regulate, if required, the pollutants listed under subsection (a)(4) of this section and no others.

requirements of section 112(m), EPA believes that the other provisions of section 112 are adequate to prevent serious, adverse effects to public health and serious or widespread environmental effects associated with the deposition of HAP which are emitted by stationary sources for which EPA has authority and jurisdiction under section 112 to regulate. As a result, the Agency also believes that no further emissions standards or control measures under section 112(m)(6), beyond those authorized or required by the other provisions of section 112, are necessary and appropriate at this time. The EPA further believes that even if section 112 were found to be inadequate under section 112(m)(6), because much scientific information is still lacking concerning such things as the relative contribution of air emissions of pollutants of concern to adverse effects, it would not be possible at this time for the Agency to conclude confidently that further regulatory actions beyond those authorized or required to be taken under section 112 are necessary and appropriate. The EPA solicits comments on the draft determination, and on the analysis contained in today's notice. The Agency reserves its right to reconsider these draft determinations if the public comments on the draft determinations convince EPA that it is incorrect in its analysis, or if future events or additional information indicate EPA's determinations are not accurate. In addition, when EPA finalizes these determinations, EPA reserves its right to promulgate any necessary and appropriate further regulations pursuant to section 112(m)(6), in the event that EPA in the future, based on new information, revisits and reverses these determinations.

The EPA is committed to continuing its analyses, research and assessments of all aspects of atmospheric transport, deposition, fate and effects of hazardous air pollutants emitted by section 112 sources. The EPA is further committed to faithfully implementing the mandates and authorities under section 112 of the CAA, and to pursuing other available authorities, as appropriate, to minimize unreasonable threats to humans and to the environment as a result of exposure to toxic pollutants, whether such exposures result directly from emissions into the air, through introduction to watersheds or waterbodies, or through other pathways. The EPA will continue to work cooperatively with the National Oceanic and Atmospheric Administration and the scientific community to refine methods for measuring or estimating atmospheric transport and deposition of HAP in order to more reliably characterize and quantify the significance of atmospheric deposition to environmental quality.

It is important to distinguish between EPA's draft determinations in this notice and the Agency's judgments about the extent to which adverse effects may be occurring due to atmospheric deposition of HAP from all sources, or about the extent to which additional actions within the scope of its other authorities under section 112 may be warranted. In today's notice, EPA is announcing only that it believes it has adequate authority under section 112 to prevent the section 112(m)(6) enumerated adverse health or environmental effects associated with emissions of HAP from sources which section 112 was intended to regulate, and that, at this time, EPA does not believe that further emissions standards or control measures under section 112(m)(6) to prevent such effects, beyond those that are authorized or required by the other provisions of section 112, are necessary or appropriate for stationary sources of HAP. These draft determinations in no way represent a conclusion on EPA's part that air deposition of HAP does not currently cause or contribute to adverse effects to the public health or the environment.

Dated: June 30, 1997.

Carol Browner,

Administrator.

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1997. The CFR volume issued April 1, 1990, should be retained.

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